

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 21-01

EFFECTIVE MARCH 03, 2015 CANCELS: GO 21-01 (January 02, 2015)
TO: ALL PERSONNEL INDEX AS: PARKING ENFORCEMENT
SUBJECT: TRAFFIC ENFORCEMENT/PARKING ENFORCEMENT TRAFFIC ENFORCEMENT

I. PURPOSE.

To establish uniform procedural guidelines in taking law enforcement action incident to traffic law violations and parking enforcement. This will include the circumstances dictating the type of action to be taken, as well as the procedures for handling certain classes of violators.

Furthermore, it shall address the types of information officers are to provide violators relative to their outstanding charges, disposition options, and court data.

II. DEFINITIONS.

Citation - Any traffic enforcement action that involves a written notice to the accused to appear and that contemplates adjudication or disposition to determine the guilt or innocence of the person charged with a violation.

Immunity - A legal state wherein a person is exempted from, or protected against, civil and criminal process. Such immunity may be total or partial.

Police Officer - Any sworn member of the Police Department authorized by law to initiate arrests and/or issue traffic citations.

Roadside Safety Check - A temporary operation in which law enforcement or other authorized personnel stop some or all traffic to inspect individual vehicles, their contents, or to interview the drivers.

Statutory Violations - Any reference to a Missouri Uniform Traffic Ticket, which was issued per the legal authority, established by Missouri State Statute, the adjudication of which is set in an Associate Circuit Court.

Parking Enforcement - Enforcement activities designed to monitor and regulate motor vehicle parking in accordance with existing local ordinances.

III. ENFORCEMENT PROCEDURES

All police officers, having given due consideration to the surrounding circumstances, shall take appropriate enforcement measures while conducting themselves in a courteous and professional manner. Discretion, based on integrity and sound judgment, is the hallmark of a successful traffic enforcement program. For this reason, officers are encouraged to use a combination of enforcement methods, the intent of which will be to both educate the driving public and ensure compliance with the law. Available enforcement options are listed below.

D. Warning

This will take the form of either a verbal or written acknowledgement of a traffic law violation, and may be used as a substitute for custody arrests and/or formal traffic citations. Verbal and written warnings should be used when circumstances warrant same, particularly for inadvertent violations or as a means to educate the offender. A written warning attaches no official penalty, either in the form of fines or points.

Books containing blank warning tickets will be issued to police officers by the supervisory staff. Each individual warning is numbered sequentially and consists of a two-part notice. When a warning is issued, the original notice shall be retained by the officer, while the copy is provided the violator. Completed warning tickets shall be subsequently delivered to the officer's supervisor for review, and then forwarded to the Records Unit for entry into the department's computer system. Records pertaining to warning tickets shall be maintained for one year past the date of issue.

B. Traffic Citation

A method of traffic enforcement reserved for those vehicle operators who willfully, or through negligence, jeopardize the safe movement of vehicular or pedestrian traffic; this includes the commission of hazardous moving violations, driving while impaired by alcohol or drugs, and/or the operation of an unsafe or improperly equipped vehicle. Such violations shall routinely be directed to the City of Ballwin Municipal Court for disposition.

Traffic Citations (and general summonses) will be printed in a format specified by the Supreme Court of Missouri. The format is provided by the Supreme Court of Missouri, Office of State Courts Administrator. Citations (and summonses) will be sequentially numbered, in a numeric series specified by the Missouri Highway Patrol, Traffic Division. Blank citations, as well as warning tickets and summonses, are to be kept in the supervisors' secure storage area located in the watch commanders office and will be available to police supervisors only. A logbook, with citation numbers, will be kept to document the issuance of citations (warning tickets and summonses). When a book of citations (warning tickets and summonses) is issued, a supervisor will enter the first citation number in the issued booklet or series of summons numbers, the officer's name and the date of issue in the log. The Commander, Bureau of Administration and Operational Support, is responsible for maintaining the logbook, monitoring the disbursement of citations (warning tickets and summonses) and insuring that an adequate supply is available.

When a citation is issued to a violator, the officer will assign the next available court date provided by the court. The copy marked (Defendants copy) will be given to the violator along with the schedule of fines/court information (BPD #10). At that time, the officer will explain to the violator any prepayment options and the court date set for the violation as outlined on the citation and schedule of fines/court information.

Completed traffic citations shall be submitted to the officer's supervisor on a daily basis. Following his review for completeness and legibility, same shall be forwarded to the secure lock box marked TICKETS. The citations will be retrieved by the Records

Division, processed and forwarded to the Municipal Court.

Should an officer make an error when completing a citation, a corrected version will be provided to the violator and the incorrect citation marked "VOID." The officer will prepare a memorandum to the Chief of Police explaining the reason and then forward the memorandum with the voided citation through the chain of command. Citations shall only be voided when administrative cause can be shown.

C. Physical Arrest

Officers may affect the custodial arrest of a traffic violator as provided for in Department General Order 54-01. Violations where a full custodial arrest may be warranted include, but are not limited to:

1. Driving while under the influence,
2. Driving while suspended or revoked,
3. Careless and imprudent driving,
4. Multiple serious violations, and
5. Leaving the scene accidents.

D. Parking Violations

Officers will enforce established parking regulations as required. Should a vehicle be found in violation, department members shall have the discretion to order the vehicle moved (if occupied) or issue a parking ticket. Vehicles may be towed per established policy as outlined in General Order 21-14A.

The issuing officer will log the license number, the description of the vehicle, the location of the violation, the date and time, and the violation for which the vehicle is being cited on the parking citation. The issuing officer will then affix their name and department serial number in the appropriate spaces on the ticket form.

Once an officer has completed a parking citation he will affix the completed summons to the vehicle.

Officers will submit all completed parking citations to their supervisor for review. Upon completion of the review, the tickets will be placed in the locked ticket box.

IV. ENFORCEMENT PRACTICES

The two basic components of traffic enforcement include both prevention (deterrence) and enforcement (apprehension), but prevention should be given priority in terms of application, whenever possible. To set an example for the general public, officers shall be expected to display exemplary driving practices, except where conditions and/or circumstances may dictate otherwise. As a means to reinforce deterrence and also serve as an educational tool for the

driving public, enforcement practices adopted by the department will be proactive and straightforward in their application.

A. Deployment Practices

Absent a traffic enforcement function, routine traffic enforcement shall be conducted by on-duty patrol units. This may involve assigned traffic details or enforcement actions initiated by the officer. Such activities may cover a general geographical area (e.g. subdivision), an individual street, or monitoring a specific location (e.g. intersection).

1. Overt Deployment

Traffic enforcement shall be conducted in a manner conspicuous to traffic without impeding its natural flow.

2. Vehicle Usage

All routine traffic enforcement shall be conducted by marked and semi marked vehicles, except when unusual circumstances or situations dictate the immediate intervention of an officer manning an unmarked vehicle.

3. Roadside Check Points

It is the policy of this department to conduct roadside check points only when they will enhance the safety of the public. They will only be utilized when there is a specific safety hazard which could be reduced by the use of a check point. Every effort will be made to notify the public of the date, time and purpose of the check point prior to its implementation.

B. License Seizures

In conjunction with the enforcement of various traffic violations, officers may seize the operator's or chauffeur's license of the offender in lieu of bail on tickets written for municipal violations. However, certain restrictions shall apply to such seizures. Licenses shall generally not be seized from Ballwin residents or those individuals who work in the City unless records indicate the individual being cited has a past history of "Failure to Appear." Licenses shall not be seized from out-of-state drivers.

Should a license be seized, the officer will attach the license to the court's copy of the citation using a paper clip and forward same to the Ballwin Municipal Court through the normal ticket review and records process. The driver's copy of the citation will indicate the seizure and then serve as a temporary driving permit until the case is adjudicated. In alcohol and drug related traffic cases the drivers license will be seized as outlined in Department Of Revenue suspension/revocation policy.

V. SPECIAL ENFORCEMENT REQUIREMENTS.

A basic tenet of traffic enforcement is discretion; yet there are certain classes of traffic violators who, by reason of their age, occupation, legal status, or place of residence, require special

processing. As such, the following classes of violators will be dealt with and/or processed in accordance with prevailing legal and policy guidelines.

A. Non-Missouri Residents

The Revised Statutes of the State of Missouri (re: RSMo 544.046) provides for reciprocal provisions with certain other states to address how violators are treated, specifically through the Nonresident Violator Compact. Out of state violators will not be treated differently than any other violator.

B. Juveniles

The St. Louis Family Court has no jurisdiction over those juveniles fifteen years of age or older who have been charged with a non-felony violation of the state or municipal traffic code. In such instances, the juvenile traffic offender shall be subjected to the same system of justice as an adult operator of a motor vehicle.

Should a full custody arrest be initiated, the juvenile will be booked and processed in accordance to the guidelines presented in General Order 25-01.

In the event a juvenile under fifteen years of age is charged with a traffic offense, the officer will file a police report, and forward the report to the juvenile detective for further action.

C. Foreign Diplomats/Consular Officials

International law requires that domestic law enforcement authorities of the United States extend certain extraordinary privileges and immunities to members of foreign diplomatic missions and consular posts. Most of these privileges and immunities are not absolute, but are contingent upon the position of the individual. As such, traffic citations may be issued to certain diplomats and consular officials while others are completely protected against federal, state, and local laws.

D. Military Personnel

Military personnel assigned to a local military reservation or facility should be treated as residents of the state. They may be issued a traffic citation and their operator's license seized as necessary. Those military personnel not assigned to local installations should be dealt with in accordance with the provisions listed for "Non-Residents" above.

It should also be noted that the home state operator's license of military personnel does not expire until ninety (90) days after the individual's separation from active duty.

VI. CHARGE INFORMATION

At the time a motorist receives a traffic citation, the issuing officer shall provide certain information to ensure the violator's proper understanding of the violation and the subsequent adjudication process. Specific charge information will be provided as follows:

A. Optional or Mandatory Appearance

The issuing officer shall explain whether the violation(s) in question has an optional or mandatory court appearance. Such information shall be available on the schedule of fines/court information provided to each violator. Only the traffic violations listed on the information may be disposed of without a mandatory court appearance.

B. Ticket Disposition Options

The officer shall explain to the violator that on any optional appearance violation, if the individual elects not to contest the charge, the fine may be mailed in according to the schedule of fines/court information, or in person during normal business hours. Payment must be made prior to the scheduled court date. Should the violator desire to contest the citation, they may appear in court as scheduled. Any payment of fines and court costs will then be submitted to the Court Clerk at the conclusion of the hearing.

C. Other Information

The issuing officer will advise the violator that their signature on the citation form does not signify innocence or guilt, merely that the person agrees to appear in court on the indicated date to answer the charge against them. In addition, the officer will provide courteous responses to any inquiries posed by the violator prior to their release from the scene.

VII. ENFORCEMENT POLICIES

Strategies and tactics for traffic law enforcement must be consistent and equitably applied to be effective. To achieve this goal, officers not only need to have a clear understanding of the departmental policies governing routine enforcement situations, but also be able to articulate the policy and procedural guidelines involved to those affected most, namely the drivers who have been cited. To assist in this process, the following addresses the procedures which should be taken on those occasions when an officer has elected to initiate enforcement action. However, it should be noted that nothing contained herein is intended to preclude or limit the use of individual officer discretion. The material presented in this section is solely to compliment and guide the decision-making process.

A. Driving While Under the Influence of Alcohol or Drugs

Persons discovered to be operating a motor vehicle while under the influence of alcohol or drugs shall be handled in accordance with the guidelines contained in General Order 21-04.

B. Driving While Suspended or Revoked

Individuals discovered to be operating a motor vehicle while suspended or revoked may be cited or taken into custody, contingent upon the circumstances. In either event, the violator shall not be permitted to continue to drive. As such, the vehicle may be towed, left parked and locked in a safe location, or released to another valid licensed driver at the violator's request.

Should the operator produce papers indicating that his/her driving privileges have been reinstated; the officer will attempt to verify same. If confirmation is obtained, the driver will be released. If the reinstatement papers are false, the officer will document the incident by report and submit same for warrant.

C. Speed Violations

Persons determined to be exceeding the posted speed limit may be issued a warning, be cited for the offense, or be taken into custody depending upon the seriousness of the violation as determined by conditions and circumstances. As a general guide, the following will apply:

1. Verbal/written warning - Speed violations for up to five miles over the posted limit.
2. Warning/citation - Speed violations between six and fifteen miles over the posted limit.
3. Citation/arrest - Speed violations of fifteen miles or more over the posted limit.

D. Other Hazardous Violations

Officers shall decide what enforcement action is proper, based upon a combination of training, experience, and common sense. Considerations in the decision process will include, but not be limited to:

1. Severity of the violation.
2. Location of violation.
3. Driver history.
4. Time of Day violation committed.

In such instances, officers will have the option of issuing a verbal or written warning, a citation, or affecting a custodial arrest.

E. Off-road Vehicle Violations

Special utility vehicles (SUVs), motorcycles, mopeds, and other vehicles capable of off-road or all-terrain operation shall be treated in accordance with the provisions of this order.

Special emphasis should be directed to the illegal use of these type vehicles on sidewalks, in public parks, along bike trails, and other areas where damage and/or injury may result.

F. Equipment Violations

Persons operating a vehicle with an equipment violation (e.g. headlight out, tail lights out, no muffler, turn signals inoperative, etc.) may be issued a verbal or written warning, or a citation. However, the latter should generally not be used if the vehicle operator was

unaware of the equipment failure at the time of the traffic stop.

In the event a citation is issued, the operator may avoid a fine by displaying proof that the equipment violation has been corrected. This may be accomplished by signature of a Ballwin Police Officer, or providing documentation to the Municipal Court. Court costs may be assessed.

Should the equipment violation be of such a serious nature as to present a hazard to the driver, passengers, or other traffic, the operator will not be permitted to continue, but allowed to legally park the vehicle, request a private tow, or be towed in accordance with established procedures.

G. Public Carrier/Commercial Vehicle Violations

Individuals operating a public carrier or commercial vehicle who commit a traffic violation may be handled in the same manner as that utilized for personal vehicles. However, the officer initiating a stop in such circumstances shall consider the safety of any passengers or valuable cargo prior to embarking on a specific course of action. Yet another consideration shall be the existence of an appropriate City ordinance to cover the violation. In the absence of a governing ordinance, citations should indicate the appropriate state statute, and be marked with "To Be Notified" in the spaces allotted for the court date and time. The citation will then be forwarded to an Associate Circuit Court by the municipal court.

H. Other Non-hazardous Violations

Any person discovered committing a non-hazardous traffic violation may be issued a verbal or written warning, or a citation, contingent upon the circumstances surrounding the violation. In each instance, established procedure will be followed.

I. Multiple Violations

Any person found in violation of multiple traffic offenses may be charged with each individual violation and issued a separate citation for each, or after considering the totality of the circumstances issue one citation for Careless and Imprudent Driving for two or more moving violations.

J. Newly Enacted Laws and/or Regulations

Officers will have a certain amount of discretion in enforcing newly enacted laws or regulations, but as a matter of department policy, enforcement will be restricted to verbal and written warnings for a specific grace period determined by the Chief of Police, following the enactment of any such law or ordinance.

K. Violations Resulting in Traffic Collisions

It is the investigating officer's discretion to issue citations at accident scenes where the investigating officer determines that violations of the Municipal Traffic code or applicable state statutes have been committed by one or more parties to said accident. In

the event information from an independent witness indicates a violation by one or more drivers the officer will issue a citation or make warrant application for the appropriate charge. It is not the intent of this policy to assess blame regarding an accident.

L. Pedestrian and Bicycle Violations

Persons found in violation of those ordinances governing pedestrian and bicycle movement or operation, may be cited in similar fashion to that utilized for motor vehicles.

M. Failure to Show Proof of Insurance

In those instances when a motor vehicle operator fails to exhibit an insurance identification card as required by RSMo 303.024, the officer will, except under exigent circumstances, issue a citation to the operator for a violation of City of Ballwin Ordinance, 15-16, "Financial Responsibility of Motor Vehicle Operators."

N. Bias Based Vehicle Stops

The Ballwin Police Department prohibits stopping members of a minority group for violations of vehicle laws as a pretext for investigating other violations of criminal law. All traffic stops will follow G.O. 22-05, Citizen Contacts, in compliance with RSMo 590.650 requiring that officers stopping a vehicle for any reason shall complete the Ballwin Police Department Traffic Stop Survey form or enter the information into the REJIS Traffic Analysis Data Base.

BY ORDER OF: Chief Steven Schicker 3/6/15
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 3/19/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

21.1, 21.2, 21.3, 21.4, 21.8

III. ASSISTING STATE AND FEDERAL IMMIGRATION AUTHORITIES

All members of the Ballwin Police Department shall cooperate with State and Federal agencies charged with enforcing immigration laws. Any member of the Department who has contact with a representative of any State or Federal agency engaged in the enforcement of immigration laws concerning possible violations of such laws shall immediately notify the Commander, Bureau of Field Operations. This notification shall be documented in writing by the reporting officer. The Commander, Bureau of Field Operations, shall promptly inform the Chief of Police who shall issue such further orders as are necessary to effectuate this policy.

BY ORDER OF: Chief Steven Schicker 1/26/15
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 2/6/15
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

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- E. DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT - A person commits the crime of "Driving with Excessive Blood Alcohol Content" if he/she operates a motor vehicle in the State of Missouri with eight hundredths of one percent (.08) of alcohol in their blood. With this charge, impairment is not necessary.
- F. ZERO TOLERANCE – Makes it illegal per se for people under the age of 21 to drive while the weight of alcohol in their blood is .02 percent or more. However, this is an administrative charge only.
- G. INTOXICATION-RELATED TRAFFIC OFFENSE – Any Driving While Intoxicated, Driving With Excessive BAC, Involuntary Manslaughter while DWI, Murder in the Second Degree while DWI, Assault in the Second Degree while DWI, Assault of a Law Enforcement Officer in the Second Degree while DWI, and Driving Under the Influence of Alcohol or Drugs (state/county or municipal offenses).
- H. INTOXICATING CONDITION – Under the influence of alcohol, a controlled substance, or drug, or any combination thereof.
- I. PRIOR OFFENDER – A person who has previously been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the intoxication-related traffic offense for which the person is charged.
- J. PERSISTENT OFFENDER – A person convicted of two or more intoxication-related traffic offenses. Aggravated Offender – Any person who has plead to or been found guilty of three or more intoxication related traffic offenses; or one intoxication related traffic offense and certain enumerated crimes (involuntary manslaughter, aggravated vehicular manslaughter, assault 2nd degree or assault on a law enforcement officer).
- K. AGGRAVATED OFFENDER – A person who has been found guilty of three or more intoxication-related offenses, or has been found guilty of one or more intoxicated-related offenses and in addition, any of the following; the intoxicated-related forms of involuntary manslaughter in the first degree, murder in the second degree where the underlying felony was an intoxicated-related offense, or the intoxication forms of assault in the second degree and assault of a law enforcement officer in the second degree.
- L. CHRONIC OFFENDER – A person who has plead guilty to or been found guilty of four or more intoxication related traffic offenses; on two or more separate occasions certain enumerated crimes (involuntary manslaughter, aggravated vehicular manslaughter, assault 2nd degree or assault on a Law Enforcement Officer).
- M. MOTOR VEHICLE – Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.
- N. OPERATING – Physically driving or operating a motor vehicle. A defendant was held to be "operating" where the automobile was parked with the engine running and the defendant was behind the steering wheel asleep. The operation does not need to be on a public street.

- O. LICENSE REVOCATION – The termination, by formal action of the Missouri Department of Revenue, of a person’s license. A revoked license is not subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Department of Revenue after the period of revocation expires.

III. D.W.I. ENFORCEMENT PROCEDURES

The detection and arrest of impaired drivers differs significantly from other traffic violations. Specific statutes and regulations govern driving while under the influence of alcohol and/or drugs, to include implied consent, chemical tests for intoxication, and established limits of impairment or intoxication. These statutes and regulations include many provisions which effect an officer’s authority, and establish procedures for conducting chemical tests and initiating the sanction process (RSMo 577.010 and 577.012, 577.020 through 577.041).

As it pertains to juveniles driving impaired, the Family Court does not have jurisdiction over non-felony violations of state or municipal traffic regulations committed by juveniles who are 15 years of age or older per RSMo 211.031. Consequently, a juvenile who is 15 years of age or older is subject to the same system of justice applicable to adult operators of motor vehicles and may be issued citations, arrested, photographed and fingerprinted pursuant to usual adult booking procedures, without securing the prior consent of the Family Court. Traffic violations that constitute felonies and involve juveniles who are 15 years of age or older are to be referred to the Family Court. Refer to General Order 25-01 (Juvenile Operations) for felony DWI requirements pertaining to juvenile offenders 15 years of age or older.

When a stop is made for a suspected alcohol/drug related traffic violation, the officer should closely observe the suspect driver’s physical ability and demeanor. A field sobriety test and a preliminary breath test (PBT) may also be conducted and the results noted (**the preliminary breath test (PBT) will only be used to confirm the presence of breath alcohol and does not count as a chemical test. Officers will only document the results as being positive or negative for breath alcohol in any subsequent reports and the actual percentage of breath alcohol will not be recorded.**) If such a test cannot be administered, for cause, that cause should be noted in the officer’s report. The findings of these tests will be used by the Director of Revenue in subsequent administrative hearings and may strengthen a criminal case.

Officers should make every effort to video and audio record the sobriety tests and seize the recording in accordance with relevant department policy.

A. Chemical Testing

After conducting an initial examination at the scene of contact, and upon determining that reasonable grounds have been established to believe that the person to be arrested has violated RSMo 577.010 or 577.012, whether or not the violation occurred in the presence of the arresting officer, the suspect will be taken into custody. The officer will then request the individual submit to a chemical test as required by the State of Missouri and inform same of the parameters of the Missouri Implied Consent Law in accordance with the most updated version of the Missouri Department of Revenue’s Alcohol Influence Report (Form 2389).

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The arresting officer will then arrange for a chemical test to determine the Blood Alcohol Concentration (BAC) of the suspect. The law allows two types of test per arrest. The types of tests administered are determined by the arresting officer or his/her supervisor. There is no limit to the actual number of tests performed as long as only two types of test are administered. For example, an officer effects an arrest and during the course of the investigation two breath tests and one blood draw are administered. In this case three tests were performed. This is permissible as there were only two types of tests administered, breath and blood.

The breath test is the most common test offered. Officers should make every effort to use the Department's certified breath testing instrument to obtain the breath results. Should the suspect refuse the officers offered test and request another type, the officer is not required to comply with the request. The test offered by the officer is the officer's only requirement; however, the officer may offer a second type of test (e.g. blood, urine, etc) but not a third. NOTE- A handheld Preliminary Breath Test (PBT) instrument is not considered a "breath test" as it pertains to the Missouri Implied Consent Law.

The suspect must be observed for a fifteen (15) minute period prior to his/her taking a breathalyzer test by the certified Type II or Type III operator. These positions are defined as follows:

Type II Supervisor – trained to maintain the breath testing instrument, train Type III operators, and operate the breath testing instrument (the Type II Certification is not related to an officers Rank).

Type III Operator – trained to operate the breath testing instrument

The observation period is to ensure that the individual does not consume or aspirate any a substance capable of skewing the test results. At the inception of the fifteen (15) minute observation period, the certified operator will conduct a visual inspection of the suspect's mouth. Should the suspect place something in his/her mouth or vomit, an additional fifteen-minute observation period will be initiated.

B. Legal Consultation & Consent

Should a suspect ask to speak to an attorney prior to taking a chemical test, the arresting officer will provide twenty (20) minutes for the individual to contact legal representation. At the end of that time, if the suspect continues to refuse to submit to the test, or continues to demand an attorney, his/her actions will be deemed a refusal to take the chemical test. In the event an attorney responds to the testing location to represent the defendant, the attorney may observe the proceedings only. Generally there is no talking during a test, except as directed by the certified operator. In addition, any attorney who is present during the testing process will not be permitted to interfere with the testing process in any way. Should they become disruptive or refuse to comply with requests to remain silent, the attorney shall be removed.

In regard to consent issues, it should be noted that in accordance with state law, "Any person who is dead, unconscious, or is otherwise in a condition rendering him/her

incapable of refusing to take a test shall be deemed not to have withdrawn the consent provided, and the test may be administered.”

It should also be noted that pursuant to RSMo 577.029, “A licensed physician, registered nurse, or trained medical technician at the place of his/her employment, acting at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical practitioner, in his/her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restrictions shall not apply to taking a breath test or urine specimen. Evidentiary Blood draws should be conducted at Mercy St. Louis Hospital when possible, unless the subject has been medically transported for treatment at another facility.

1. Blood drawn as evidence of an alcohol or drug related offense will be done by using a Missouri State Highway Patrol (MSHP) kit. The MSHP Lab system provides BAC submission kits to the Ballwin Police Department and area hospitals. The MSHP kits can be found on top of the evidence refrigerator located in the Ballwin Police Department’s Evidence Processing Room. Officers are to check the expiration date of the blood vial in the kit prior to the draw. If the tube is expired, they are to obtain another kit. If there are no more kits available at either the Ballwin Police Department or the hospital, then use a hospital supplied grey-topped blood collection tube that contains the additive Sodium Fluoride, to obtain at least 10mL of blood,

In the case wherein a search warrant is used for the blood draw, the St. Louis County Prosecuting Attorney’s Office commonly requires two draws an hour apart. In this case one MSHP kit is used per draw or one hospital provided grey-topped tube per draw. Officers are to read the search warrant carefully, to ensure that they are aware of the conditions of the search, and the manner in which it is to be executed. The officer should ensure that each vial is marked with the draw date and time. Both vials can be included in the same MSHP evidence box, utilizing one evidence receipt.

2. The arresting officer does not have to be present during the blood draw, but the blood draw will be conducted in the presence of an officer. The officer witnessing the blood draws must also be the officer that seizes the blood specimens as evidence and places them into the Department’s evidence refrigerator. The witnessing officer must also document the date and time that each blood specimen is drawn.
3. Blood specimens will be delivered to the Missouri Highway Patrol Troop C Laboratory as soon as possible. Blood samples, the evidence receipt, and the Missouri Highway Patrol Laboratory Analysis Request will be placed in the evidence refrigerator and the refrigerator door sealed with attached paddle lock.

In addition, the witnessing officer will complete a Ballwin Police Department Evidence Transmittal Request Form (BPD #48) and forward said form to the commanding or supervising officer of this Department’s Criminal Investigation

Division. The blood samples will remain in the evidence refrigerator until conveyed to the laboratory for analysis.

4. Urine specimens will be collected utilizing the MSHP provided urine collection kits, which are also stored on the top of the evidence refrigerator in the Evidence Processing Room. The collection can be conducted by the officer at the police station. The following collection method is recommended by the MSHP Lab, based on how agencies submit samples to their lab and will be the procedure utilized by the Ballwin Police Department for the collection of urine.
 - a. After obtaining the sample container, the officer should search the suspect thoroughly to ensure there are no substances that could be included in the sample.
 - b. Escort the suspect to the collection area (booking room shower/toilet area) and provide them with the sample container. Have the suspect provide a sample and affix the lid. The officer will ensure that the lid is secure and will place the container in the evidence packaging container. Everything that is needed is included in the urine collection kit, including detailed instructions.
 - c. The evidence will need to be placed in the evidence refrigerator, the same as blood evidence. The MSHP Lab Analysis Request Form needs to be completed and attached to the evidence receipt which remains with the sample. A Ballwin Evidence Transmittal Form (BPD#48) needs to be completed and forwarded to the commanding or supervising officer on the Division of Criminal Investigation.

Should Chemical Test results disclose the suspect's BAC level to be .08 percent or greater (.04 percent or greater in cases involving the operation of a commercial motor vehicle) or test positive for any concentration of a controlled substance, the suspect is considered to be intoxicated and may be charged with City of Ballwin ordinances 15-113, 15-114, 15-117 or RSMo 577.010 or 577.012.

5. The following outlines the reporting and booking procedures to be followed when making a custodial DWI arrest:
 - a. Contact communications and request that a report number be assigned. However, should the DWI suspect be involved in an auto accident or criminal offense, a separate report number will be drawn for the additional offense and/or auto accident. In addition to the report number(s), the officer shall request a DOR and Criminal History check through REJIS, as well as a Triple I and DWITS check through MULES.
 - b. Complete the Alcohol Influence Report (A.I.R.). Should the suspect refuse to answer the questions listed on the Alcohol Influence Report, the arresting officer will place the word "Refused" across the question section of the form. Should the suspect refuse to answer some of the questions posed by the Alcohol Influence Report, the arresting officer will write "Refused" in each area designated for the suspect's response.
 - c. The officer will attach a copy of the BAC Data Report showing the blood alcohol test results to the Alcohol Influence Report (AIR). The applicable

sections of the Data Report must be completed by the operator before being attached to the AIR Form.

- d. Complete a citation for City ordinance or state statute violations and attach it to the A.I.R. (Note: a factor for consideration here is that a conviction for a municipal ordinance violation can only be used to graduate an offense to a higher level under specific circumstances. The municipal judge is required to be an attorney, and the suspect has to have been represented by counsel or waived his right to same.)
- e. Seize the suspect's operators/chauffeurs license and issue a fifteen day temporary driving permit/notice of suspension/revocation. (Note: if the chemical test results disclose a reading of less than .08, the operators or chauffeurs license should not be seized.) Attach a copy of the fifteen day temporary driving permit/notice of suspension/revocation to the Alcohol Influence Report. If the suspect is driving on an out-of-state operators/chauffeurs license, the arresting officer will not seize the license, nor issue the above driving permit.
- f. In the event the suspect's vehicle is to be towed, same shall be accomplished in accordance with General Order 21-14A (Towed Vehicles).
- g. For the purpose of maintaining complete and accurate criminal history record information, the suspect will be fingerprinted and photographed for the intoxication related offense. The arresting officer will ensure that the fingerprints, photographs, appropriate charge codes, and the suspect's pedigree information is submitted on standard fingerprint forms or electronically in a format and manner approved by the Missouri State Highway Patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or successor program.
- h. Complete the booking process, and place the suspect in a holding cell until a bond is posted for the offense. Exceptions to this procedure will be if warrant application is to be made for a felony alcohol or drug driving offense. In all other such cases, the suspect should be released to a sober friend/family member or held until he/she is sober. At the discretion of the on-duty supervisor the subject may be released on citation to a sober friend/family member.

NOTE: Should the officer deem that the prisoner is so intoxicated that he/she poses a threat to himself/herself, or others, the bonding process shall not begin until such time as the prisoner has recovered to the extent that they are no longer a threat to themselves or the general public.

- i. The officer will sign the Alcohol Influence Report.
- j. The officer will generate and complete the required sections of a police report utilizing the CARE program, which shall include a descriptive narrative explaining the facts and circumstances pertaining to the arrest.
- k. Submit the Alcohol Influence Report, completed CARE report, and all attachments to the on-duty supervisor for review and approval. Upon his/her review, the supervisor will forward the entire case packet to the Commander of the Bureau of Field Operations for his final approval. The case packet will then be forwarded to the Division of Records for final processing.

IV. REFUSAL TO TAKE CHEMICAL TEST

If a suspect refuses to take the chemical test offered, the arresting officer will seize the suspect's operators/chauffeurs license and will complete the Refusal to Submit to Alcohol/Drug Chemical Test Notice of Revocation (Form 4323). It is important to note that the suspect cannot consent to one test and refuse to take a second test or second type of test. If the suspect refuses the second test, it is a "Refusal." The results of the first test are to be retained and documented. The second test is a "Refusal," which is also evidentiary and is to be documented. If two tests or two types of tests are offered, any refusal makes the entire case a refusal, even if one of the two tests were consented and taken.

The original copy of the form will be provided to the defendant, while the second copy of the form shall be attached to the Alcohol Influence Report (A.I.R.). If the suspect is driving on an out-of-state operators/chauffeurs license, the arresting officer will not seize the license.

Upon completion of the test refusal form, the suspect shall be booked and processed in accordance with the procedures established herein.

V. FELONY D.W.I.

In cases where a suspect is arrested for DWI, and the individual has been convicted, found guilty or plead guilty to two or more "Intoxication-Related Traffic Criminal Priors" or who has had two or more "Alcohol-Related Enforcement Contacts" and the suspect refuses to take the chemical test offered, the arresting officer shall prepare a search warrant application and affidavit requesting that the suspect be searched and a sample of his/her blood be seized. The application and affidavit will be submitted to the St. Louis County Prosecuting Attorney's Office for approval. If the search warrant is approved by a Circuit Court judge, then the procedures outlined above in section III, B shall be followed in the collection of a blood specimen. After the collection of the blood, the suspect will be transported to St. Louis County Justice Services and warrant application shall be made through the St. Louis County Prosecuting Attorney's Office.

The applicable affidavits for blood search warrants are located in the **Shared Police eSearch Warrant file**, located on the City of Ballwin's internal computer network. In addition to the affidavits, step-by-step procedures are included for the blood search warrant application process, covering both "**During Business Hours**" and "**After Business Hours**." As the "After Business Hours" blood search warrant procedures require the scanning of the applicable affidavits, an instruction folder has also been included, which covers scanning procedures. All completed search warrants will be saved to the "**Completed Ballwin Search Warrants**" folder, which is contained within the "eSearch Warrant" file.

If the suspect voluntarily submits to the chemical test, the arresting officer shall release the subject to a sober friend/family member, pending warrant application through the St. Louis County Prosecuting Attorney's Office.

In those instances where an intoxicated suspect is involved in an auto accident, and physical injury results to another person, the suspect should be charged with DWI and Assault 2nd Degree. A warrant application should be made in lieu of issuing a Uniform Traffic Summons. It is considered double jeopardy if the suspect is issued a summons for the DWI charge and a warrant

application is made for a second offense. To avoid this situation, warrant application on qualifying DWI charges and any other related charges must be made at the same time.

Should a DWI suspect be involved in a "Leaving the Scene of an Accident" warrant application will be made if any of the charges related to the case constitute a felony. If no felony charges exist, the case will be handled as described with municipal summons being issued.

NOTE: Nothing stated above shall preclude arresting officers from utilizing appropriate discretion.

VI. ZERO TOLERANCE.

In May of 1998, the Missouri State Senate approved Senate Bill 638 which expanded the "Zero Tolerance Law." This legislation implemented two changes in existing law. These are:

If a minor is believed to be driving with a BAC level of .02 or higher, and he/she refuses the chemical test, the individual will lose their operator's license for one year.

The bill, expands alcohol related traffic offenses to include involuntary manslaughter and assaulting a police officer for purposes of prior and persistent offender charges.

It should also be noted that officers shall process offenders of the Zero Tolerance Law (15½ through 20 years of age) in the same manner as that utilized with adult offenders. However, juvenile offenders must be kept separate (out of sight and sound) from adult offenders, and should the offense be considered a felony, same shall be referred to the Family Court.

A. Procedures

If you suspect a driver, that is a minor or juvenile, is under the influence of alcohol or drugs you will follow standard field sobriety test procedures. After conducting an initial examination at the scene of contact, and upon determining that reasonable grounds exists to effect an arrest, the suspect will be taken into custody. The officer will then request the individual submit to a chemical test as required by the State of Missouri and inform same of the parameters of the Missouri Implied Consent Law.

1. If the breath test results of the minor/juvenile are between .02 and .0799 BAC then Zero Tolerance would apply. If the suspect is .08 BAC or higher, then they should be charged with Driving While Intoxicated as stated above. As always, this should not deter an officer from charging a suspect with DWI if the circumstances dictate.

Note – Zero Tolerance is not an arrestable offense, rather it is an administrative function of the Department of Revenue.

2. If the officer decides to follow through with Zero Tolerance, then the Alcohol Influence Report (AIR) should be completed with the box "Zero Tolerance" marked.

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DRIVING WHILE INTOXICATED
PAGE 11

cc: City Attorney

MPCCF REFERENCE

21.1, 21.2, 21.4, 21.9

GENERAL ORDER 21-05
TRAFFIC ACCIDENT INVESTIGATION/REPORTING
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7. Accidents involving public conveyances or school buses.
8. Accidents resulting in damage to government/other property.
9. Accidents involving commercial vehicles.
10. Accidents where damage to a vehicle or property totals \$500.00 or greater.
11. Accidents where one or more of the drivers lacks liability insurance.
12. Where either party requests a report.
13. Any other situation where, the police officer determines an investigation should be conducted and a report prepared.

B. Occurrences on Private Property

Accidents occurring on private property will be reported in the C.A.D. System unless any of the following conditions exist:

1. Death or personal injury
2. Leaving the Scene Accident and there is at least \$500.00 property damage
3. There is damage to United States, State of Missouri, St. Louis County, or City of Ballwin property.
4. There is damage to a building or inhabitable structure.

Those incidents will be reported on the Uniform Traffic Accident Report form.

NOTE: Accidents involving unoccupied vehicles that become disengaged on private property and strike vehicles, buildings or other fixed objects are not considered "Motor Vehicle Traffic Accidents". This includes vehicles that cross over a roadway, unless they strike a vehicle, pedestrian or fixed object on the roadway. These incidents will be reported on an Incident/Offense Report and will be classified as a "Complaint Report".

C. Accidents Involving Department/City Vehicles

1. The officer involved should check for injuries and then notify the dispatcher. A supervisor and primary officer will be assigned to investigate the accident. An evidence officer will also respond to photograph the scene and collect any pertinent evidence.
2. In cases where a department/city owned vehicle is involved in a motor vehicle accident outside of the City limits, the appropriate venue will assume responsibility of the investigation and report preparation. A supervisor will respond to that location and determine any services needed by this department.

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TRAFFIC ACCIDENT INVESTIGATION/REPORTING
PAGE 3

3. When an officer is involved in a motor vehicle accident in a city owned vehicle or while on duty, he/she will prepare a memorandum to his commander explaining the circumstances.
4. Employees involved in a motor vehicle accident may be subjected to an alcohol/drug screening in accordance with established City procedures.

D. Arrests at Accident Scenes

In those instances where a custodial arrest is made in conjunction with an auto accident investigation (e.g. DWI, fugitive, etc.), the arrest, with the exception of a Leaving the Scene" arrest, will be covered in a separate Incident Report. In addition, the only reference made to the arrest in the accident report should be that a DWI (or other) investigation was conducted in relation to the accident and is covered under the appropriate report number.

Arrest, processing, and tow procedures shall all be conducted in accordance with department procedure.

E. Issuance of Citations at Accident Scenes

It is the investigating officer's discretion to issue citations at accident scenes where the officer determines that violations of the Municipal Traffic Code or applicable state statutes have been committed by one or more parties to the accident. It is not the intent of this policy to assess blame regarding an accident.

F. Delayed Motor Vehicle Accident:

A delayed motor vehicle accident is defined as any automobile collision that results in property damage or injury, when the operators of said vehicles mutually agree to leave the original scene of the occurrence and not contact the nearest police agency.

Officers of this Department are not required to complete a Uniform Traffic Accident Report on Delayed Motor Vehicle Accidents. This applies when the criteria listed above is met. This policy pertains to both on-the-roadway and private property motor vehicle accidents, unless both parties and the vehicles involved are present. In this case the standard Uniform Accident Report will be completed, without a diagram.

This agency will not accept accident reports via mail or over the phone.

III. ACCIDENT RESPONSE PROCEDURES.

One or more officers will routinely be directed to respond to the scene of all reported vehicle accidents. On occasion, the on-duty supervisor may be directed to respond also.

The type of response will depend upon the severity of each incident. Fatalities, injuries, road blockage, fuel spills, etc. will routinely require an emergency response, while minor property

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TRAFFIC ACCIDENT INVESTIGATION/REPORTING
PAGE 4

damage incidents should be responded to while adhering to traffic control devices and the normal flow of traffic.

At the time, an officer or officers are dispatched to an accident, communications will routinely supply the responding officer(s) with the location of the accident, the severity of the accident, traffic or lane blockage, disturbance among participants, if a vehicle has left the scene, public vehicle involvement, and if additional support units (police, fire, and/or public works) are enroute to the scene.

Upon arrival at the scene, officers will be expected to prepare a report in regard to the collision, investigate as necessary alcohol involvement, record short-lived evidence, provide and/or summon emergency services, summon towing services as needed, and restore the normal flow of traffic.

If an accident is fatal, or involves serious physical injury, the roadway surrounding the accident scene should be closed immediately and an accident reconstructionist should be notified. The roadway must be closed to protect any physical or short lived evidence such as skid marks, blood, vehicle debris, etc. The roadway should be closed in all directions fifty yards from the last known piece of evidence. The only personnel that need to be permitted inside the closure are police investigators, fire department personnel and hazardous material personnel.

At not time should the roadway be cleared of any debris (no matter how insignificant it may seem) prior to the arrival and inspection of the accident reconstructionist. If a piece of evidence, vehicle or body must be moved prior to the arrival of the accident reconstructionist, the location of the object should be marked or documented thoroughly. If an officer observes anyone removing evidence from its original location, it is that officer's responsibility to stop the removal of evidence and return the evidence to its original location.

The accident reconstructionist will be responsible for determining if further road closures are needed and opening the roadways upon completion of the investigation.

During road closures, officers should assist and direct motorists to an alternative route.

NOTE: Departmental response and reporting procedures in regard to routine vehicle accidents shall be suspended following a Declaration of a State of Emergency within the City, and may remain in force during the emergency period. Vehicle accidents involving injuries will be handled in compliance with normal procedures.

IV. SCENE RESPONSIBILITIES.

A. Scene Command

Command of an accident scene will generally be performed by the officer assigned to the call. At the time a supervisor or commander arrives on the scene, command shall automatically pass to the superior officer. However, in the event circumstances necessitate the initiation of the accident reconstruction team, their team leader will assume command.

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TRAFFIC ACCIDENT INVESTIGATION/REPORTING
PAGE 5

This department will follow the Incident Command System of scene command in necessary events. If fire and medical personnel arrive at the scene, they will assume command until finished. Likewise, if special circumstances would require engineering or maintenance response, such as a bridge collapse they would assume command until finished. Command will then revert back to the police department.

In the case of overlapping or contiguous jurisdictions, officers will be expected to cooperate with outside law enforcement agencies in a constructive and positive manner. Once a determination has been made as to which agency has jurisdiction, the appropriate officer will assume command of the scene.

B. Injured Persons

The first officer on the scene should check for any fatalities or injured persons. Should this occur, the officer shall request that medical assistance respond to the scene. Basic life support and/or first aid should then be administered until paramedics arrive at the scene.

Upon the arrival of an ambulance, the care of injured persons shall be entrusted to the paramedics.

C. Fire Hazards

In the case of an actual or potential fire, the officer assigned to the accident scene shall request assistance from the Fire Department, and then take appropriate action to attempt to stabilize the scene. This will include, isolating the immediate area, removing civilians from the area of the hazard, suppressing and/or extinguishing the fire if possible, and controlling/diverting traffic as necessary. Likewise, the Fire Department will be requested if a fuel spill or other substance needs to be flushed from the street.

With the arrival of the fire personnel and equipment, the officer will render such assistance as is requested and/or necessary.

D. Hazardous Materials

In the event of a hazardous materials spill or leak, the responding officer will attempt to make a preliminary identification of the cargo based on:

1. The warning placards attached to the vehicle.
2. Interview with the driver.
3. Review of cargo manifest/bill of lading.

This identification effort should be conducted from a safe distance and from upwind, if at all possible. As necessary the officer should utilize the Hazardous Materials Response Guide located in each patrol vehicle to assist in the identification process. Should this be inconclusive or ineffective, the communications unit will be instructed to contact

CHEMTREC or the REJIS information system for assistance. Once the substance has been identified, its effects, characteristics, and other pertinent information shall be transmitted to the Fire Department and other responding assist units.

Under no circumstances should an officer approach a hazardous material carrier that has smoke, flame, steam, fluid, or an odor coming from it.

General Order 21-14 Hazardous Materials contains further instruction for response to these types of accidents.

E. Information Collection

Investigating officers should attempt to locate all drivers, passengers and pedestrians involved, and all witnesses to the accident. Their statements should be recorded along with their personal information required for the completion of an accident report.

If an accident is serious enough to dictate a response, then the Traffic Safety Unit will be notified to respond to document the accident. If additional assistance is needed, or the Traffic Safety Unit is unavailable, then the Regional Accident Reconstruction Team will be requested to respond to offer their expertise and training in recording the accident scene.

F. Protection of Accident Scene

Officers will use the emergency lights on marked, unmarked police vehicles, flares, cones, and any other appropriate warning devices to protect an accident scene and alert approaching traffic. Officers will wear their protective traffic vests while at the scene and while directing traffic.

Contingent on the need to investigate and preserve evidence, officers will clear the roadway of all persons, vehicles and debris as rapidly as possible. To accomplish this goal, officers will direct the vehicles involved to be moved to the shoulder of the roadway, or off the roadway, as soon as possible.

In those accidents where potential criminal charges exist, the officer will preserve the scene intact until such time as same has been photographed and processed.

Full or partial lane closures may be required due to an accident, and should such be the case, one or more officers assigned to the scene shall direct and control traffic activities, to include diverting traffic onto an alternate route.

Officers will be ever alert to actual and potential dangers which may threaten the integrity of the accident scene and the persons located therein. When such actual or potential dangers are noted, appropriate remedial and/or preventive action will be taken to avoid additional collisions.

GENERAL ORDER 21-05
TRAFFIC ACCIDENT INVESTIGATION/REPORTING
PAGE 8

cc: City Attorney

MPCCF REFERENCE

21.01, 21.02, 21.03, 21.05, 21.08, 21.10, 21.11, 21.13, 21.14, 23.10, 23.11

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 21-05A

EFFECTIVE:	APRIL 16, 2014	CANCELS:	GENERAL ORDERS 4-07
TO:	ALL PERSONNEL	INDEX AS:	INCIDENT REPORTS POLICE REPORTS & RECORDS REPORTS
SUBJECT:	FIELD REPORTS		C.A.R.E. C.A.D.

I. GENERAL

The purpose of this General Order is to set policy and procedure for documenting all criminal incidents that occur within the city limits.

II. POLICY

It is the policy of this department to document all calls for service, complete formal reports on reported criminal offenses and complete formal reports on many other non-criminal incidents of interest that occur within the city limit of Ballwin. Additionally the department shall maintain other related records such as arrest record data. As a general rule an officer shall always error on the side of documentation when deciding whether to complete a formal report, particularly when the complainant specifically requests that a police report be taken.

III. DEFINITIONS

- A. EPIC - The computerized booking software developed by the Epic Corporation and maintained by R.E.J.I.S. utilized by the police department. The software generates arrest reports (booking sheets) and a digital mug shot data base system.
- B. C.A.D. – Computer Aided Dispatch system operated by the Division of Communications. C.A.D. generates a computer record and incident number for every call for police service including citizen generated and self –initiated, and generates office-incident complaint numbers for calls requiring a formal report.
- C. C.A.R.E. – Computer Aided Report Entry system operated by the St. Louis County Police Department’s C.A.R.E. Unit. All formal police reports, with the exception of vehicle accidents, fugitive / failure to appear, lost / stolen cell phone / license plates, lock-out reports, and arrest reports (booking sheet) are maintained in the C.A.R.E. system
- D. R.E.J.I.S. – The Regional Justice Information Services is a regional data processing center providing criminal history and related information to law enforcement agencies in the greater St. Louis, Missouri area
- E. S.T.A.R.S. – The Statewide Traffic Accident Records System contains the standards for recording and reporting vehicular crashes in the State of Missouri.

IV. PROCEDURE

Successful prosecution begins with accurate records, quality original field (police) reports and information listed within. As a result, the following guidelines shall be used when documenting calls for service and the resulting police actions.

A. REPORTING CRITERIA

1. C.A.D. calls for service reports shall be completed under the following circumstances:
 - a) Citizen reports of crime
 - b) Citizen complaints
 - c) Incident resulting in an officer being dispatched or assigned to a location
 - d) Criminal and non-criminal cases initiated by an officer
 - e) Incidents involving arrests, citations or summonses
2. Officers shall complete a formal police report on criminal incidents and on those miscellaneous incidents where documentation is in the best interest of the City of Ballwin, the police department or the victim/reporting party. The FBI's UCR (Uniformed Crime Report) standards shall be followed by officers in determining the number and types of reports to be written in any given circumstance.
 - a) When the need for two different reports from the same call for service becomes necessary, i.e. motor vehicle accident resulting in an arrest (DWI, fugitive/fta, operator's license violation, etc.) or any call requiring a report and resulting in an arrest for an unrelated charge a second complaint number will be drawn for the arrest.
3. All formal reports shall include when possible:
 - a) Day, date, location and times of occurrence
 - b) Complete victim(s) pedigree
 - c) Complete witness pedigree
 - d) Complete suspect pedigree (if applicable)
 - e) A detailed description of all vehicles and/or property involved
 - f) A detailed narrative describing the incident, elements of the crime, statements of all parties involved and investigative action(s) taken by the reporting officer.
 - g) A statement of case status, e.g., case to be referred to the Division of Criminal Investigations for follow up, this officer will conduct further investigation, case shall be classified as inactive, and the like.

B. REPORT FORMS

1. This department will use the St. Louis County Police Department's C.A.R.E. System for all field and supplemental police reports except as otherwise noted in

this general order. Procedures for completing reports under this system will be followed by using the guidelines provided in the C.A.R.E. Police Officer Manual

2. Traffic Accident (Crash) reports will be submitted using the "Missouri Uniform Accident Report" and the completion procedures outlined in the Missouri State Highway Patrol S.T.A.R.S. Manual.
3. Arrest Reports (booking sheets) will be completed using the Ballwin Police Department "Arrestee Booking Data Report" form. The procedures for completing the form are outlined in the R.E.J.I.S. LEWEB Arrest Manual.
4. The department may develop and utilize additional report forms as necessary in order to fulfill a variety of secondary processing needs within the agency.

C. SUBMITTING AND PROCESSING REPORTS

1. Officers will review their reports for accuracy, spelling, grammar, and completeness. When completed, the officer will place their initials and DSN on the reports and submit them to their immediate supervisor.
2. Supervisors will review and approve all reports that are submitted as soon as practical.
 - a) When additional information is needed or corrections are to be made, the supervisor will return the report(s) to the officer for correction.
 - b) When the supervisor approves the report they will place their initials and DSN on the report and forward it to the appropriate Bureau Commander. Following approval of the Bureau Commander the report will be forwarded to the Division of records for processing.

BY ORDER OF: Chief Steven Schicker 4/16/14
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 4/24/14
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

21.5,

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 21-06

EFFECTIVE:	APRIL 08, 2014	CANCELS:	GENERAL ORDER 18-7
TO:	ALL PERSONNEL	INDEX AS:	CAR CHECKS MOTOR VEHICLE STOPS TRAFFIC STOPS VIOLATOR RAPPORT
SUBJECT:	MOTOR VEHICLE STOPS		

I. PURPOSE

It is the purpose of this policy to establish guidelines for stopping and approaching motorists in a manner that promotes rapport as well as the safety of the officer and the motorist.

II. POLICY

Although stopping motorists for traffic violations or other purposes is often considered a routine function of patrol officers, it is one that has been demonstrated to be potentially dangerous for both officers and motorists even during apparently "routine" situations. Therefore, it is the policy of the Ballwin Police Department that motor vehicle stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while consistently recognizing and taking the necessary steps to minimize the dangers involved in this activity for the officer, the motorist and other users of the roadway.

III. PROCEDURES

A. Developing Rapport with the Violator

Once the violator has been stopped and control has been established, it is imperative that the officer not only takes appropriate enforcement action, but attempts to educate the violator regarding their unsafe actions as well. The following guidelines will assist in assuring that the violator will seek to favorably alter their driving habits in the future.

1. Be polite and communicate with the violator using the utmost courtesy.
2. Assure that the violator is well informed regarding the actions that constituted the violation.
3. Advise the violator of any actions or resources that could assist in preventing them from repeating the unsafe action in the future.
4. Assure that the violator is aware of their responsibilities with regard to the proper disposition of any charges.

B. Stopping and Approaching Traffic Violators

It is recognized that varying conditions such as roadway construction, volume of traffic and the urgency of making vehicle stops may require officers to adjust these procedures to particular conditions. However, the following procedures are to be adhered to whenever possible.

1. Officers shall perform vehicle stops only when they have probable cause to do so.
2. Once an initial decision has been made to stop a motorist and whenever possible, the officer shall select an area that provides reasonable safety, avoiding curves, hills, heavily trafficked and poorly lit areas and roads without shoulders. Whenever possible, the officer shall also avoid the use of private drives, business locations and areas where a large volume of spectators is likely to gather.
3. When a location has been selected for the stop, the officer shall notify the Communications Center of its nature - providing unit location, a description of the vehicle, and vehicle license number. At the officer's discretion or dispatcher's request, additional information may be exchanged.
4. At the desired location, the officer should signal the operator to stop at the far right side of the roadway or at the safest shoulder by activating the emergency lights and siren as necessary.
 - a. On multi-lane roads, the officer may facilitate movement to the right shoulder by gradually changing lanes behind the violator until the right side of the roadway is reached.
 - b. Should the violator stop abruptly in the wrong lane or location, the officer should instruct him to move by using the appropriate hand signals or by activating the vehicle's public address system.
5. Once properly stopped, the officer should position the police vehicle about one-half to one car length behind the violator's vehicle and at a slight angle, with the front approximately 2 feet to the traffic side of the violator's vehicle.

At night, the spotlight should not be used to direct the violator but may be used to illuminate the vehicle's interior once stopped. The patrol vehicle should use its low beams if high beams would blind oncoming motorists.
6. When exiting the patrol vehicle, the officer should be particularly alert to suspicious movements or actions of the vehicle operator or passengers.
7. Approaching from the driver's side, the officer should be observant of the passenger compartment and stop at a point to the rear of the trailing edge of the left front door in order to communicate with the driver.

GENERAL ORDER 21-06
MOTOR VEHICLE STOPS
PAGE 3

- a. Where circumstances dictate, particularly where traffic is close enough to create a potential problem, the officer may choose to approach the violator's vehicle from the right hand side and stop at the trailing edge of the right front door.
 - b. When the violator's vehicle has occupants in the rear seat, the officer should approach to a point near the leading edge of the left front door, being particularly observant of occupant movements and choosing a path that will not allow the occupants to thrust the door open against the officer.
 - c. In two-officer police vehicles, the passenger officer shall be responsible for radio communications, note taking and relaying messages to the Communications Center. He will also act as an observer and cover for his fellow officer.
 8. Non-uniformed officers operating unmarked patrol vehicles with concealed emergency lights and siren shall not normally make vehicle stops for traffic violations. In situations where failure to act would create unreasonable risks of injury, death or significant property damage, such personnel shall contact the Communications Center to request a marked patrol unit to make the stop and may, depending upon the urgency of the situation, activate emergency lights and siren to make a traffic stop.
 9. Non-uniformed officers operating vehicles (personal or city owned) not equipped with emergency lights or siren shall not make motor vehicle stops unless there is imminent danger of loss of life should they fail to act. In other less urgent cases that demand attention, officers shall contact the Communications Center, request that a marked patrol vehicle perform the stop, and assist in directing the marked unit to the subject vehicle's location.
- C. Issuing Citations
1. When issuing citations, conducting roadside sobriety tests or conversing with the violator, the officer and other parties shall be positioned to the side of the road, clear of the motor vehicles. At no time shall the officer or others stand in front of, between or behind the stopped vehicles.
 2. During the stop, the violator should remain in his motor vehicle while the officer writes the citation or conducts other business. Violators should not be permitted to sit in patrol vehicles while citations are being prepared or other police business is being conducted.
 3. When preparing citations, the officer should position paperwork and related materials in a manner that allows him to maintain vantage over actions of the violator and other occupants.

D. Stopping a Violator - Approaching

In cases where a motorist must be stopped from oncoming traffic, the following actions may be taken:

1. Drive the police vehicle to the extreme right portion of the roadway and, as the violator approaches, signal him to stop by using hand signals and emergency lights.
2. Because of the potential hazard involved, an officer shall not leave his vehicle when attempting to stop oncoming motorists.
3. If the subject motorist complies with the instructions, the police vehicle may then be turned around and appropriately positioned to the rear of the violator's vehicle.
4. Should the motorist fail to comply with the officer's instructions, the officer should turn the vehicle around and pursue, stop and approach the violator in the prescribed manner.

E. Stopping a Violator - Following

When stopping a motorist to the rear of the police vehicle, the following procedures may be followed:

1. The officer should drive to the right shoulder of the road and, as the violator approaches, signal him to stop.
2. The officer should not exit his vehicle in order to signal the subject motorist.
3. Should the motorist fail to comply, the officer should return to the roadway and stop and approach him in the prescribed manner.

F. Making High-Risk Vehicle Stops

The following procedures may be employed when an officer initiating a vehicle stop has reason to believe that the occupants may be armed and dangerous:

1. An officer should not individually initiate high-risk vehicle stops unless back-up units will not be available in an appropriate amount of time or the urgency of the situation demands immediate action.
2. When planning to stop the suspect vehicle, the officer shall notify the Communications Center, describe the nature or reason for the stop; provide information on the vehicle, license number and number of occupants; and request appropriate assistance to make the stop.
3. After selecting an appropriate location and with adequate support units in position,

the officer should signal the suspect to stop.

4. Officers should position their vehicles approximately 30 feet behind the suspect vehicle, in positions that will maximize opportunities for cover and in a manner that will illuminate the interior of the vehicle to the occupants' disadvantage.
5. The officer initiating the stop, or the officer with the best observation point, should issue verbal commands to vehicle occupants through the vehicle's public address system, if available. Only one officer shall issue commands.
6. Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover.
7. The officer in charge shall first identify him/herself and then notify the occupants of the vehicle that all instructions are to be followed without hesitation or suspicious movements.
8. The occupants of the suspect vehicle shall be ordered to exit the vehicle separately and placed in an appropriate position most advantageous to the officer's safety.
9. With appropriate cover and adequate back-up, officers should then approach the suspect vehicle to inspect the passenger compartment and trunk.

G. Stopping Oversize and Overweight Vehicles

In the event an officer needs to stop commercial and similar oversize or overweight vehicles, the following procedures should be followed:

1. Select a location for the stop, preferably to the far right of the roadway, that provides enough room for the vehicle and sufficient stability to support the vehicle's weight, and which will allow the operator sufficient time and distance to make the stop.
2. When planning to stop the suspect vehicle, the officer shall notify the Communications Center, describe the nature or reason for the stop; provide information on the vehicle, license number and number of occupants; and request appropriate assistance to make the stop.
3. Approach the cab from the rear, using the driver's outside mirror to observe the driver and activity in the cab.
4. Never climb onto the vehicle to make contact with the operator. Maintain a position to the rear of the driver's door and ask him to exit the vehicle, if and when necessary.

GENERAL ORDER 21-06
MOTOR VEHICLE STOPS
PAGE 6

BY ORDER OF: Chief Steven Schicker 4/14/14
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 4/22/14
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

21.6

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 21-07

EFFECTIVE: OCTOBER 13, 2014

CANCELS: 48-07

TO: ALL PERSONNEL

INDEX AS: RADAR
SPEED MEASUREMENT DEVICES

SUBJECT: RADAR/SPEED MEASUREMENT DEVICES

I. PURPOSE

To establish guidelines governing the use of radar or other speed measurement devices by the Ballwin Police Department. The intent behind the deployment of such devices shall be to improve traffic safety.

II. DEFINITIONS

Radar - A measurement device, which utilizes reflected radio waves to determine the speed of moving motor vehicles.

Laser – A measurement device, which utilizes a Laser diode that emits a beam in the infrared position of the electromagnetic spectrum. The beam emitted from the diode is invisible to the human eye and cannot be a distraction to operators of vehicles.

III. EQUIPMENT SPECIFICATIONS.

Moving/stationary radar units utilized by the department shall be FCC approved and will operate via the Doppler principle. Present units currently operate on the K- Band (34.7 GHz). The LTI Laser units will also be FCC and FDA approved.

In addition, radar units shall be designed to operate off a self-contained battery pack, or the vehicle's power supply. The units shall be comprised of solid-state electronics as much as possible, and adhere to the manufacturer's accuracy specifications.

IV. OPERATIONAL PROCEDURES.

At the time a radar unit is to be deployed, the officer utilizing same shall ensure that the unit is properly installed and connected to the power supply. The radar unit will then be tested for accuracy with a tuning fork. Such test(s) shall be made before each period the equipment is in use.

Radar and/or other speed measurement devices will generally be focused on specific roadways where speeding and/or accidents have been determined to be a safety problem or in response to citizen complaints. However, radar may also be deployed at random for enforcement purposes and to further the department's traffic safety program.

GENERAL ORDER 21-07
RADAR/SPEED MEASUREMENT DEVICES
PAGE 2

Radar may be deployed at the direction of a supervisor, or at the discretion of an individual officer. In either case, radar traffic enforcement shall not take precedence over normal patrol activities, except in those instances where an officer may be assigned to a specific speed enforcement detail. Officers preparing to run radar or some other speed measurement device shall utilize varying geographic locations, so as to avoid any potential charges of conducting a "speed trap."

V. MAINTENANCE

Officers shall ensure that radar and Laser units receive proper care during those time periods when the units are in their custody and control.

Should an officer determine a radar/Laser unit is malfunctioning, the officer will apprise their supervisor of the situation and forward the defective equipment, along with a written explanation of the problem, to the Commander, Bureau of Administration, who is responsible to oversee/manage the radar maintenance program. The Commander shall then ensure the radar unit is sent out for repair.

A. Maintenance Schedule

Calibration and certification of department radar units, tuning forks, and associated equipment will be performed semi annually by certified service technicians from the private sector. Should specific equipment repairs be required, same shall be performed as needed by a licensed service facility or manufacturer. No preventive maintenance program has been adopted or deemed necessary.

B. Maintenance Records

All owner's manuals, maintenance records, and calibration certification forms pertinent to department radar equipment shall be maintained by the Commander, Bureau of Administration.

VI. OPERATOR TRAINING/CERTIFICATION.

All personnel authorized to operate radar or other speed measurement devices will be instructed in their use by the manufacturer's technical representatives, previously trained department personnel, or via formalized training at a certified police academy. Such training should include:

A. The basic principles of radar, radar operations and operation standards.

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 21-10

EFFECTIVE: MARCH 01, 2014 CANCELS: GENERAL ORDER 93-10
TO: ALL PERSONNEL INDEX AS: TRAFFIC DIRECTION AND CONTROL
SUBJECT: TRAFFIC DIRECTION/CONTROL

I. PURPOSE

To establish those traffic direction and control procedures necessary to maintain and expedite the orderly flow of vehicles and pedestrians within the City.

II. DEFINITIONS

Traffic Control Device - Signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide traffic.

Traffic Direction - The management and control of the flow of vehicles and pedestrians as exercised by police officers in accordance with the requirements of public safety.

III. GENERAL DIRECTION AND CONTROL RESPONSIBILITIES.

All sworn personnel of this department shall be alert for problems, which may pose a hindrance or threat to the safe and orderly flow of vehicular and pedestrian traffic through the City. Should such a problem occur, it shall be the responsibility of those department members assigned to the Bureau of Field Operations to provide traffic direction and control, and initiate corrective action.

Whenever traffic detours or blockades are utilized, officers should be cognizant of the need for quick ingress and egress of other emergency vehicles. Therefore, officers will remain at the location of any emergency blockade to ensure that quick and easy access is available.

A. Accident Scenes

1. Uniformed police officers have the responsibility for the direction and control of traffic at motor vehicle accident scenes. If fire/EMS personnel are on the scene administering to the injured, conducting rescue or fire suppression operations they will be in charge of the scene. Police officers will conduct their operations in a manner consistent with providing a safe environment under the direction of fire personnel.
2. Uniformed officers should establish traffic control points to:
 - a. Allow for the ingress-egress of emergency equipment.

GENERAL ORDER 21-10
TRAFFIC DIRECTION/CONTROL
PAGE 2

- b. Halt or divert approaching traffic away from, or around, the accident scene.
 - c. Identify and establish alternate traffic routes around the accident scene.
3. Officers will notify Communications to contact other agencies, which may be effected.
4. When it becomes necessary to close or restrict the flow of traffic, officers on the scene may utilize flares, barricades, traffic cones, portable stop signs, and/or marked police vehicles as a means of control. Marked police vehicles will have their emergency lights activated when used to control traffic.

B. Fire Scenes

At the scene of a fire, police units shall operate under the direction of fire personnel to provide necessary support to fire suppression and rescue efforts. This responsibility shall include, but not be limited to:

1. Consulting with the fire official in charge of the scene to determine their needs.
2. Establish a perimeter around the scene to restrict both vehicular and pedestrian traffic.
3. Allow for the ingress/egress of emergency equipment and personnel.
4. Identify alternate traffic routes and divert motor vehicle traffic, as necessary.
5. Protect fire equipment and personnel, with special attention given to fire hoses, which may be laid across streets or roadways.

C. Adverse Road and Weather Conditions

Officers will routinely encounter traffic hazards due to inclement weather, road repair, ruptures in utility lines or various other hazards. Appropriate action shall be taken to mitigate such problems when they are identified. These actions shall include, but not be limited to:

1. Notify communications of the problem and location.
2. Request that the appropriate governmental or private agency respond for corrective action.
3. Request additional police units/personnel, as necessary.
4. Close the roadway or a portion thereof as needed, and divert traffic onto an alternate route.

5. Employ traffic control devices as necessary.

D. Special Events

Officers assigned to special events will be required to control and direct traffic in accordance with the requirements of the event. Streets, alleys, and intersections may be closed, normal traffic flow patterns reversed, and routine commerce disrupted. In such instances, officers may be assigned to static traffic control posts to:

1. Allow ingress/egress of emergency equipment, supply vehicles, and other official traffic.
2. Ensure the safety of pedestrian traffic.
3. Ensure the integrity of the special event perimeter.
4. Divert motor vehicles to alternate traffic routes.
5. Any other traffic control/direction action as necessary.

IV. MANUAL TRAFFIC DIRECTION.

- A. Manual direction and control of traffic may be required under the following circumstances:

1. When traffic signals are damaged or malfunction.
2. When intersections or streets are blocked or impeded.
3. When illegally parked or disabled autos obstruct the flow of traffic.
4. When other activities (fire, adverse weather, special events, vehicle accidents, etc.) disrupt the normal flow of traffic.

- B. In such cases, manual direction of traffic will be performed in accordance with the following guidelines:

1. To stop traffic by hand: stand with the shoulders perpendicular to moving traffic, and raise an arm approximately forty-five degrees above the shoulders with the hand extended and palm facing the traffic to be stopped. This maneuver may be accompanied by a whistle blast to assist in gaining the attention of the approaching drivers.
2. To move traffic by hand: stand with the shoulders parallel to the traffic to be moved, and extend the arm approximately full length at shoulder height toward

the traffic. Fingers should be extended and the palm up. Advance the hand sharply in the direction that traffic is to be moved. Rotate the body, and repeat the movement to start traffic from the opposite direction. This maneuver may be accompanied by two short whistle blasts.

3. Whistle utilization should be as follows:
 - a. Single long blast to stop moving traffic.
 - b. Dual short blasts to start stopped traffic.
4. Should traffic direction be required during darkness, hand maneuvers may be performed with a flashlight.

V. TRAFFIC CONTROL DEVICES

Police officers are neither trained nor equipped to initiate traffic signal repairs or adjust the timing cycles. Should a signal problem exist, the patrol officer(s) will be responsible to identify the problem, stabilize the traffic flow, and request the appropriate governmental or private agency respond to repair the signal.

All traffic signals located in Ballwin are maintained by either the Missouri Department of Transportation or the St. Louis County Department of Highways. Special attention should be directed to where the signal is located when requesting assistance. Any controlled intersection including a State highway will be maintained by MODOT. Likewise if an intersection involves a county road, it will be the responsibility of the County Highway Department. MODOT will be notified in cases where intersections involve both State and County highways.

Traffic signals may be placed on flash, if by doing so, the traffic problem will be reduced. However, the officer responsible for such action shall have Communications notify the appropriate maintaining agency of the action. If a signal can not be placed on flash or is completely inoperable, manual traffic direction may be initiated until the equipment is working or alternate traffic devices, (eg. portable signs) are in place.

Traffic barricades, orange traffic cones, and portable stop signs shall be maintained by the Ballwin Public Works Department and will be available to department personnel upon request. Request for these devices can be made through Communications personnel. If emergency access to traffic devices is needed, a supervisor will be contacted and gain access to the Public Works facility

When possible, Public Works will be requested to transport the items to the affected area. However, after normal business hours, officers may be required to transport barricades and other traffic control devices in their police units. During special events, Public Works may also be requested to pre-position traffic control devices for anticipated use.

In addition to the preceding, officers will carry flares in their marked patrol vehicles for use as warning/traffic control devices during accident investigations.

In cases where a motorist requires a tow or service truck, the officer will determine if the driver has an emergency roadside service (e.g. AAA) and desires to contact them. Should this be the case, the information will be relayed to communications who will contact the appropriate agency. In the event the motorist prefers a private tow, it will be handled as mentioned above. Depending upon the situation and the desires of the motorist, the officer may also convey the vehicle operator to a convenient location where they may initiate contact with a service company themselves.

If, in the officer's opinion, the ETA (estimated time of arrival) for a private tow or service truck is excessive, and the disabled vehicle poses a traffic hazard, the officer will advise the motorist that delay is unacceptable due to safety reasons, and shall request the department's tow service respond.

The motorist requesting roadside and/or towing service shall be responsible for all charges associated with same, to include payment in those instances where the City's towing service was contracted to remove the vehicle.

Vehicles towed by a member of this Department shall be documented in accordance with established procedure in General Order 21-14A.

IV. LOCKOUTS

It shall be the policy of this Department to respond to vehicle lockouts in which a child or pet has been locked in a vehicle or where an emergency situation exists that requires the immediate removal of a vehicle.

Procedure

Emergency incidents -

In the event a child or animal is in the vehicle and the officer believes they may be in imminent danger the officer may utilize any method available, including breaking a window, to gain entry without regard for the wishes of the vehicle owner.

Non-emergency incidents –

In the event a child or animal is in the vehicle but due to factors such as the position of the vehicle, the current temperature, and the apparent condition of the vehicle's occupant, the officer believes there is no immediate threat to the vehicle's occupant the officer will proceed as follows:

- A. Upon contacting the complainant, officers shall be required to explain and have the complainant sign the Lockout Tool Indemnity Agreement.
- B. If the owner or custodian of the vehicle consents to the agreement, officers shall make a concerted effort to assist the motorist in getting his/her vehicle unlocked.

- C. If the owner refuses to sign the Lockout Indemnity Agreement, officers should advise complainant no further action will be taken after the officer has assured themselves that the complainant has made other arrangements to gain entry in a timely manner
- D. Officers will turn in signed Indemnity Agreement to Watch Commander. The indemnity form will be forwarded up through the chain of command and will be kept on file by the Division of Professional Standards.

V. MOTORIST/PASSENGER PROTECTION

Upon arrival at the scene of a stranded or disabled motorist (whose vehicle has broken down on a roadway), the officer should activate the police vehicle's emergency equipment and position the vehicle so that provides protection from passing traffic. Conditions permitting, the officer should then remove the driver and passengers onto the curb or shoulder of the roadway in an effort to assess the problem. In all cases, the vehicle operator and passengers should be refrained from walking around or loitering in the roadway as much as possible. Should weather be inclement, the officer may transfer the driver/passengers to the interior of the police vehicle.

Contingent upon the time of day, current weather, traffic load, availability of motorist services, and the personal preference of the vehicle operator/owner, officers may remain with the stranded motorist until such time as towing, mechanical, or family assistance arrives, or transport the motorist to the nearest convenient location where assistance may be obtained.

Should assistance services be unavailable, or substantially delayed, the officer may convey the motorist/passengers to this department, to a public transportation location, or other place of safety, to await assistance or make arrangements for same. In the event the motorist and passengers are Ballwin residents, or live within a short distance of the City's jurisdictional boundaries, the officer shall also have the option to convey the subjects to their residence. However, in those cases where civilians are transported by police vehicle, the officer shall provide Communications with the destination of the conveyance, and the beginning and ending mileage on the police vehicle.

VI. EMERGENCY ASSISTANCE

Should a motorist or occupant of a vehicle require emergency assistance, the responding officer shall request the dispatch of the proper emergency services units (e.g. fire, EMS), and then provide immediate medical, fire fighting, or other assistance until such time as specialized units arrive at the scene. The officer will then render support to the paramedics, firefighters, etc. as necessary.

Actions taken by an officer in such situations should be of a temporary nature and remain within the constraints of their training. Consideration to personal safety shall also be a determining factor, especially when dealing with a vehicle fire.

Civilians with medical emergencies shall be transported by ambulance only.

Incidents involving emergency assistance to a motorist shall be documented in accordance with established procedure.

VII. VEHICLE ESCORTS

Department vehicles, either marked or unmarked, shall not escort ambulances, fire equipment, or private vehicles for either medical or fire emergencies.

However, marked department vehicles may provide escort services under the following circumstances:

- A. Official Motorcade.
- B. Parades.
- C. Funerals.
- D. Hazardous or Unusual Cargo Carriers.
- E. Oversized Vehicles.
- F. Other Situations as Necessary.

Request for such situational escorts should be forwarded to the Commander Bureau of Field Operations for action. An escort detail may be authorized by the Watch Commander/Supervisor in the Bureau Commander's absence.

BY ORDER OF: Chief Steven Schicker 4/14/14
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 4/25/14
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

21.12, 21.14

GENERAL ORDER 21-14
HAZARDOUS MATERIAL INCIDENTS
PAGE 2

- B. Identify the hazard - look for placards, labels or the U.N. number. Conditions at the scene should dictate one's actions (e.g., a tanker truck is leaking and/or smoke is emitting from the cargo area). Caution should be exercised if and when approaching the vehicle.
- C. Request appropriate assistance - immediately request the fire department, Civil Preparedness, watch commander, and assist units to secure the scene.
1. If the driver of the vehicle is available, have him produce the shipping papers. If there is no driver available, the shipping papers should be in or near the driver's compartment. No actions should be taken regarding the vehicle or its contents without first coordinating activities with fire department personnel. Fire personnel have protective clothing and breathing apparatus available which will provide them with the necessary protection.
 2. For incidents which involve freight trains, the conductor, not the engineer, will have a train "manifest" which will identify the contents of each car.
 3. In the case of an aircraft, the pilot will have the cargo "manifest" or listing.
 4. If none of the above are available, gather as much information as possible from the vehicle (i.e., license, truck name, etc.) and provide this information to the dispatcher who will attempt to contact the owners of the vehicle and ascertain its contents.
 5. Advise the dispatcher of any placard or substance information obtained. The dispatcher can access REJIS or the Department of Transportation reference book for information regarding actions needed to protect the officer and the public.
- D. Secure the scene - Secure and take charge of the scene until arrival of fire personnel or Civil Preparedness. Normally fire department personnel will assume command of the scene from a hazardous material standpoint, with the police handling traffic/crowd control, reporting, investigation, etc.
- Some materials can affect a large area quickly in the event of a fire or explosion. The information from the dispatcher will help determine how large an area to secure or evacuate.
- E. Use safe on-site procedures - Do not enter the hazardous material site unless it is absolutely necessary. If entry is necessary, limit the time spent in the site. Avoid getting any of the substance on the clothes or body. Notify others who arrive on the scene of the suspected danger involved and safety measures to be observed.
- F. Contamination - An officer who suspects that contamination has occurred should seek medical attention immediately and notify his supervisor.

IV. RADIOACTIVE ACCIDENTS OR INCIDENTS

Radioactive substances are also hazardous materials and should be treated as such; therefore, the same procedures apply. There are additional steps to be taken due to the unique properties of radioactive substances. Look for a placard as shown to identify these substances.

- A. Secure the scene and notify the fire department and the St. Louis County OEM, both of which have the equipment to measure and detect the presence and levels of radioactivity. Without this equipment it is impossible to determine the risk involved at the scene. Do not open any packages, cargo doors, or vehicles which display the radioactive placard. Allow entry only to authorized personnel.
- B. Employees having questions concerning radioactive transportation hazards should contact the St. Louis County OEM.

BY ORDER OF: Chief Steven Schicker 6/4/13
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 6/13/13
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

18.03, 21.05, 21.14, 22.03, 26.01, 26.02,

IV. PROCEDURES

- A. An unattended vehicle or abandoned property may be towed under the following circumstances by the Department contracted towing company:
1. When obstructing normal movement of traffic on a roadway, or creating a traffic hazard because of its position in relation to the roadway and where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
 2. When obstructing normal movement of traffic on a parking lot, where signs or curb/pavement markings have been placed giving notice of prohibited or restricted parking and where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
 3. When left on a priority snow route and interfering with snow removal. It is important to note, only a Public Works Supervisor may establish when a vehicle is interfering with snow removal and must request its removal. Prior to removal, an effort must be made to contact the vehicle's owner and have it voluntarily moved.
 4. When left on a Right of Way for more than 24 hours. After a vehicle has been parked or abandoned for 24 hours, and an effort to contact the vehicle's owner and have it voluntarily moved has been made. A parking summons or a warning may be issued. If after 48 hours the vehicle has not been moved, the vehicle shall be towed, and a parking summons shall be issued.
 5. When left on real property of another and in the judgment of a law enforcement officer constitutes a safety hazard or unreasonably interferes with the use of that property by the owner, lessee or his agent.
- B. Police actions or calls for service: Vehicles shall be towed under the following circumstances by the Department contracted towing company:
1. The operator has been arrested and there is no other individual at the scene the operator wishes to relinquish the vehicle / property to. In the event of a drug-related arrest, all vehicles must be towed incident to arrest. A hold will be placed on the vehicle if subject to forfeiture under Missouri law. Refer to Section VI of this General Order for further information.
 2. When used in the commission of a crime. A hold will be placed on the vehicle if subject to forfeiture under Missouri law. Refer to Section VI of this General Order for further information.
 3. If reported stolen or taken without the owner's permission.
 4. When the vehicle has been involved in a collision or other event rendering it inoperable, and / or it has been abandoned.

GENERAL ORDER 21-14A
TOWED VEHICLES
PAGE 3

- C. Commercial vehicles may be towed when the owner, or the owner's designated representative, cannot be contacted.
- D. Vehicles hauling hazardous waste, as designated by section 5103(a) of Title 49, United States Code, or any revision thereof, are exempt from State statutes on towing. Special consideration must be given to the towing and storage of these vehicles. Assistance should be sought from the appropriate Fire Protection District, Missouri Department of Natural Resources and Environmental Protection Agency.
- E. A lien holder may repossess a vehicle by having it towed. The lien holder or tow company must notify this department of all vehicle repossessions in the City of Ballwin within two (2) hours.
 - 1. No officer shall assist in personally involved repossessions without a court order.
 - 2. Officers shall provide lawful assistance as directed in court ordered repossessions.
- F. The owner or lessee of real property, may allow a towing company to remove abandoned property, without authorization by a law enforcement officer, only when the owner, lessee or property or security manager is present and only in the following circumstances.
 - 1. Signs restricting or prohibiting parking are properly posted at all entrances to the property that conforms to RSMo. 304.157, or any revision thereof; or,
 - 2. The abandoned property is left unattended on owner occupied residential property with four residential units or less, and the owner, lessee or agent of the property has notified this department and 10 hours have elapsed since that notification;
Or,
 - 3. The abandoned property is left unattended on private property and the owner, lessee or agent of the property has notified this department and 96 hours have elapsed since that notification.
- G. When towing abandoned property without authorization from this department, a tow company must deliver an *Abandoned Property Report* (DOR- 4669) to this department.
 - 1. When vehicles are removed from a real property with restricted or prohibited parking (RSMo. 304.157) an *Abandoned Property Report* must be delivered within **2 hours** of the tow.
 - 2. In all other cases where vehicles are towed without authorization by this department, an *Abandoned Property Report* must be delivered within **24 hours** of the tow.
- H. When towing abandoned property, officers shall conduct an inventory search of all vehicles, as provided in General Order 21-14B (Vehicle Inventory) or any subsequent General Order.

V. REPORTING

- A. Under the following circumstances, a Towed Abandoned Vehicle Report (BPD#34) or the applicable incident report and tow sheet (DOR 4569 or 4669) shall be completed. In addition, all vehicles and/or abandoned property must be checked for stolen through REJIS, MULES and NCIC (completed prior to the tow) and entered into REJIS as towed vehicles. This entry will be completed as soon as practicable after the tow. The officer will present the tow sheet to the Division of Communications. After the entry is completed, the entry and a copy of the tow sheet will be placed in the Commander of the Bureau of Administration and Operational Support's mailbox for auditing purposes.
1. When an officer has an unattended or abandoned property towed.
 2. When this department is notified that abandoned property was towed.
 3. When any vehicle is towed for any reason by our contracted tow company at the request of this Department under "Procedures" (Section IV) of this General Order.

The completed Towed Abandoned Vehicle Report/Tow Sheet will be entered into CARE by the Division of Records.

- B. Under the following circumstances it is not necessary to complete a tow sheet or enter the vehicle in REJIS as a towed vehicle.
1. If the owner of the vehicle has made their own arrangements for a tow or has requested this Department to contact a specific tow company, other than our current contracted tow company for them.
- C. When the Department is notified that a vehicle has been or will be repossessed, the following procedure will be followed:
1. The Division of Communications will take the information needed and make the inquiries and REJIS entry required by RSMo 304.155 (11).
 2. The Communications Officer making the REJIS entry will complete a Repossessed Vehicle Report (BPD #73) and attach a copy of the vehicle entry and the CAD entry to it.
 3. The Repossessed Vehicle Report will be forwarded to the Commander of the Bureau of Administration and Operational Support who will assign the Division of Records to enter it into the CARE system.

VI. RECORDS DIVISION NOTIFICATION TO MISSOURI DEPARTMENT OF REVENUE

- A. When this department authorizes the removal or towing of abandoned property, the following procedures shall be followed.

1. Written notification shall be sent to the registered owner(s) and any lien holder(s) within **5 working days**. The notice must include the fact the property was towed, the grounds for removal and the place where the property is being stored. A copy of this notice must be given to the operator of the vehicle storage facility.
 2. If abandoned property is not claimed within **10 working days**, a *Crime Inquiry and Inspection Report / Authorization to Tow* (DOR – 4569) must be sent to the Missouri Department of Revenue, Motor Vehicle Bureau.
 3. A copy of the *Crime Inquiry and Inspection Report / Authorization to Tow* (DOR – 4569) sent to the Missouri Department of Revenue must also be sent to the towing company.
- B. When this department is properly notified of the towing or removal of abandoned property on private / real property without prior department authorization, the following procedures shall be followed.
1. Notification must be made to this department by a towing company with an *Abandoned Property Report* (DOR – 4669).
 2. When an *Abandoned Property Report* (DOR – 4669) is received, one copy shall be placed in a towed vehicle file and a signed copy given to the towing company.
 3. The towing company shall be given Department of Revenue information concerning the towed vehicle's last known owner and lien holders.

VI. VEHICLE SEIZURES

- A. An officer shall seize any vehicle used in a felony, which is chargeable by indictment or information under Missouri Law. Refer to RSMo. 513.600 for details.
- B. An on-duty supervisor must approve the seizure of any vehicle.
- C. Following the seizure, the seizing officer will place a hold on the vehicle and make immediate notification to the Criminal Investigation supervisor of the seizure.

BY ORDER OF: Chief Steven Schicker 1/13/14
Steven Schicker, Chief of Police Date

ATTESTED BY: Robert Kuntz 1/24/14
Robert Kuntz, City Administrator Date

cc: City Attorney

MPCCF REFERENCE

CITY OF BALLWIN
POLICE DEPARTMENT

GENERAL ORDER 21-14B

EFFECTIVE: DECEMBER 1, 2013

CANCELS: GENERAL ORDER 56-07

TO: ALL PERSONNEL

INDEX AS: INVENTORY
VEHICLE INVENTORY

SUBJECT: VEHICLE INVENTORY

I. PURPOSE

The purpose of this policy is to provide officers with guidelines for determining when and how a motor vehicle inventory should be conducted.

II. POLICY

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect this department against claims of lost, stolen or damaged property; and to protect department personnel and the public against injury or damaged property due to hazardous materials or substances that may be in a vehicle. It is the policy of this department to safeguard personal property and interests and to conduct motor vehicle inventories only in accordance with the following procedures.

III. PROCEDURES

A. Legal Authority to Inventory

1. An authorized member of this agency may conduct a motor vehicle inventory without a warrant or probable cause when:
 - a. the vehicle has been lawfully seized or impounded pursuant to the arrest of the driver; prior to towing the vehicle for violations or for related enforcement or safety reasons as defined by state law, and
 - b. when officers conduct the inventory within the scope of this policy as an administrative procedure, and
 - c. when a vehicle has been involved in a collision or other event that renders it inoperable or unsafe, and it is towed from the scene under the authority of the Ballwin Police Department.
2. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory.

B. Scope of Inventory

1. The contents of all motor vehicles that are lawfully seized and / or impounded by

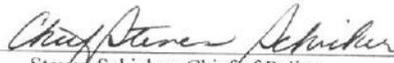
this department shall be subject to inventory in accordance with the provisions of Section III, A., of this policy.

2. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time following impoundment.
3. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed.
4. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk and glove compartment.
5. All containers shall be searched whose contents officers are unable to ascertain from examining the exterior of the container. Locked containers shall not be forced open but, shall be logged on the tow sheet as such. If a key or combination is available, locked containers may be opened and inventoried.

C. Property Control

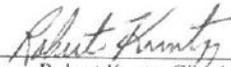
1. All items of value shall be itemized on a tow sheet. Items of extraordinary value shall be taken for safe keeping and recorded on this department's evidence receipt and such material turned over to the property control unit for safekeeping.
2. Control and safekeeping of hazardous materials shall be the responsibility of this department's evidence custodian.
3. Contraband and evidence discovered during the course of a motor vehicle inventory shall be deposited with the evidence custodian in accordance with the procedures for control of criminal evidence

BY ORDER OF:


Steven Schicker, Chief of Police

11/26/13
Date

ATTESTED BY:


Robert Kuntz, City Administrator

11/26/13
Date

cc: City Attorney

MPCCF REFERENCE
21.14



Missouri Department of Revenue
Driver Condition Report

Please complete the Driver Condition Report if you have personal knowledge about a driver you believe is no longer able to safely operate a motor vehicle.

- You should report only your firsthand knowledge of the driver.
- You should complete the entire form and sign your name on the reverse side.
- After reviewing this report, the Director of Revenue may require the driver to take certain tests such as a medical, vision, or driving test.
- All information contained in this report shall be kept confidential, unless released by a court order.

Driver's Personal Information

Please provide all information available for the person being reported.

Name (Last, First, Middle)			Social Security or Driver License Number	
License Plate Number	State of Issuance	Date of Birth (MM/DD/YYYY) ____/____/____	Telephone Number (____)____-____	
Address		City	State	Zip Code

Detail Incidents and Conditions

Describe in detail incidents or conditions about this driver. Give specific information such as dates, places, accident reports and all other available information to support the need for re-examination. You should report only information of which you have personal knowledge or physical evidence. Do not report what you have been told or heard.

Driver Behavior

Please select appropriate boxes based on personal knowledge of incident, if applicable. Please give a detailed description of incident. Age alone is not a sufficient reason for retesting.

<input type="checkbox"/> Traffic Violation <input type="checkbox"/> Lack of Attention <input type="checkbox"/> Dangerous Actions <input type="checkbox"/> Poor Driving Skills <input type="checkbox"/> Caused Traffic Accident or Incident	Location
	Date (MM/DD/YYYY) ____/____/____
	Time
	<input type="checkbox"/> Lack of Knowledge of Traffic Laws <input type="checkbox"/> Obstructing Traffic <input type="checkbox"/> Other _____ _____ _____

Please select appropriate boxes if the driver being reported has any of the following conditions that would impair his or her ability to safely operate a motor vehicle. Physicians, please complete Form 1528 and attach to this report.

Medical Conditions

Cognitive Impairments or Psychiatric Disorder
(i.e., sees or hears things that are not there, gets lost easily, has problems remembering words for common things, confusion in thought process or judgment) Please explain:

Visual Impairment
(i.e., frequently runs into objects, cannot see road signs, cannot see objects on the side without turning head). Please explain:

Alcohol or Drug Abuse
Please explain:

Disorders That Impair Consciousness
(i.e., seizures, blackouts, sleep disorders) When was the last loss of consciousness? ____ / ____ / ____
Please explain: MM/DD/YYYY

Limited Mobility
(i.e., paralysis, problems moving freely) Please explain:

Other Conditions or Additional Comments
Please explain:

Reporter's Personal Information and Signature

Under penalties of perjury, I declare that the above information and any attached supplement is true, complete, and correct. Based on my observation(s) of the above named person and information relayed to me by the individual, I reasonably and in good faith, believe that he or she cannot safely operate a motor vehicle. I understand that any person who intentionally files a false report shall be guilty of a Class A Misdemeanor, and shall be liable for the damages which result.

Full Name (Last, First, Middle)		Relationship to Driver
Address		City
State	Zip Code	Telephone Number (_____) _____ - _____
Signature		Date (MM/DD/YYYY) ____ / ____ / ____

Mail to: Driver License Bureau
P.O. Box 200
Jefferson City, MO 65105-0200

Phone: (573) 526-2407
Fax: (573) 522-8174
E-mail: dlibmail@dor.mo.gov

Visit www.dor.mo.gov/drivers/
for additional information.

Form 4319 (Revised 02-2014)

