

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

ARREST AND BOND POLICY/PROCEDURES

Approved By: Kenneth Burton Chief of Police
CALEA 6th Edition Standard: 1.2.5; 1.2.6; 1.2.7

420 ARREST AND BOND POLICY/PROCEDURES

420.1 PURPOSE AND SCOPE

Police arrests may vary in nature and can range from the custodial arrest of a subject to the release on a field citation. Some circumstances may call for an arrestee to post a mandatory bond while other circumstances may allow for an arrestee to be released on a signature bond or promise to appear in court. Other circumstances may allow for expedited procedures regarding the direct transport of an arrestee to the Boone County Jail, simplified procedures for citation entry into our records system, simple warrant arrests, and shoplifting under fifty dollars in value. This policy will provide direction and procedures to officers effecting arrests under these varying circumstances.

420.2 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department, except in cases of hot or fresh pursuit, while following up on crimes committed within the City, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer pursuant to the Off-Duty Law Enforcement Actions Policy.

Officers are authorized to use verbal warnings in lieu of arrest or citation to resolve minor traffic and minor criminal violations when appropriate.

420.3 CITATION RELEASE

State law requires law enforcement officers to use citation/summons release in lieu of taking a person into custody and before a judge for traffic, misdemeanor or petty offenses, unless the subject poses a danger to the community, themselves or is unlikely to appear in court.

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420.3.1 STATUTORY REQUIREMENTS

This department authorizes citation releases for certain traffic, misdemeanor or petty offenses. Release by citation with a promise to appear can be accomplished by issuing a notice to appear from a citation book or an electronic device (Sup. Ct. Rule 33.01(a); Sup.Ct. Rule 37.15(a); § 300.580, RSMo; § 544.045, RSMo; § 544.170, RSMo).

Officers issuing a citation/summons using a State of Missouri Uniform Citation should attempt to obtain the violators signature as validation of their promise to appear in court at the specified date and time.

Officers issuing a citation/summons from the digital citation system (electronic device) in use at the time will not request a signature.

In both instances, the officer must be able to validate the violator's identity. The issuing officer will explain to the violator the following and provide a copy of the citation:

1. specific violation for which they are receiving a citation/summons;
2. The address and phone number of the court; and
3. The date and time of their court appearance if required.

Should the violator/arrestee refuse to sign a traffic citation or citation for a misdemeanor offense, and a high likelihood exists that the situation will escalate to using physical force, the officer may elect to release the violator without obtaining his/her signature as long as the violator has been positively identified. Decisions regarding these situations will be made on a case by case basis depending on the totality of articulable circumstances in each case. In such cases, the officer shall complete the following:

1. Write refused on the bottom of the uniform citation where the violator would have signed;
2. Provide the violator with a copy of the uniform citation;
3. Explain that the lack of a signature does not remove him/her (violator) from their obligation to appear in court;
4. Tag and properly categorize his/her body worn camera / MAV footage for retention;
5. Document the specifics of the refusal by the violator as appropriate.

420.3.2 FIELD CITATIONS

In most misdemeanor cases an arrestee 17 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present.

420.3.3 DEPARTMENT RELEASE

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the department.

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Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless the person is disqualified for other reasons listed below.

Felony arrests are generally in-custody and typically require the arrestee to post a bond as a condition of release.

420.3.4 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor should be released on a notice to appear. However, if one of the following situations is present, an officer should take the subject into custody pending an appropriate bond set by the court:

1. The person is reasonably believed to be an alien unlawfully present in the United States (§ 544.470.2, RSMo).
2. There is a reasonable likelihood that the offense or offenses would continue or resume or that the safety of persons or property would be imminently endangered by the release of the person arrested.
3. There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.
4. The person does not have adequate proof of identification to verify their identity to be issued a citation.
5. The crime involves domestic violence.
6. The crime involves violence, dangerous weapons/firearms, or an arrest for State driving while intoxicated or State driving with excessive blood alcohol content.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release should be noted in the report for inclusion with the case file in the Records Unit. **The 13th Judicial Circuit of Missouri (State Court) and the Municipal Division of the 13th Judicial Circuit of Missouri (Municipal Court) each have a specific bond policy/procedure for the respective court. To avoid any confusion, the entire bond policy/procedure for each court is included in section 420.6 and 420.7 respectively.**

420.4 JUVENILE CITATIONS

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations.

All applicable traffic related misdemeanor violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred to the Investigation Unit, if necessary, for further investigation and diversion or forwarded to the prosecutor.

420.5 REQUESTING CASE NUMBERS

Minor traffic citations can be handled without requesting a case number. All other municipal and state statute violations/arrests require a case number for proper documentation. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

Effective: 06/01/2014

Revision Date: 04/05/2017

Revision Date: 11/20/2018

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420.6 STATE VIOLATION ARRESTS AND BOND PROCEDURES

The following is the Bond Policy and Procedures effective September 15, 2016 for the Thirteenth Judicial Circuit of Missouri EN BANC issued by Presiding Judge Christine Carpenter. The following should be followed when an officer takes a subject into custody for a state law violation and due to the circumstances listed below, is not suitable for release on a signature bond/promise to appear in court:

IN THE THIRTEENTH JUDICIAL CIRCUIT OF MISSOURI

EN BANC

IN RE: **BOND PROCESS**

06 - 16

ORDER

Administrative Order 2-16 is repealed effective December 31, 2016.

IT IS HEREBY ORDERED that the Bond Policy for Boone and Callaway Counties as set forth below is effective January 1, 2017.

When law enforcement officers reasonably believe a person arrested is a threat to others or himself or herself, or will not appear for court, the detainee may be transported to the respective county jail. The arresting officer shall file with the jail a completed Probable Cause Statement.

All detainees arrested on view for offenses appearing on the 13th Circuit's uniform bond schedule (Attachment A), shall be provided written options for setting bond (attachment B) by jail staff.

All detainees selecting option one and all detainees arrested for A or B felonies (except possession of a controlled substance), unclassified felonies, or escape from custody or confinement, will have their bond set by a Judge within 24 hours of their arrest.

The Prosecuting Attorney may contact the court with bond recommendations at any time.
Done this 23rd day of December, 2016.

For the Court,

Christine Carpenter

Presiding Judge

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Attachment A UNIFORM BOND SCHEDULE

Pursuant to Administrative Order 06-16, it is ordered that the sheriffs of Boone and Callaway Counties shall refer to the following schedule to set a bond[s] for a defendant[s] in custody prior to the defendant's first appearance in court.

1. A judge will set bond within 24 hours of the detainee's arrest if:
 - a. The detainee selects Option 1 on the Detainee Options for Setting Bond Form; or
 - b. The charge is a class A or B felony (except possession of a controlled substance), or an unclassified felony; or
 - c. The detainee is arrested for escape from custody or confinement.

2. For the following types of offenses, bond is set as indicated:

Class B Felony *Delivery of Controlled Substance Minor*

Section 579.020, RSMo.....\$6,500

Class C Felony.....\$6,500

Class D Felony (excluding escape).....\$4,500

Class E Felony (excluding escape).....\$1,500

Misdemeanors (not otherwise set on traffic or conservation schedules)

Class A.....\$500

Except as follows:

- Domestic Violence Assault 4th (565.076, RSMo).....\$1,000
- Violation of Order of Protection (455.085, RSMo).....\$1,000
- Stalking 2nd (565.227, RSMo).....\$1,000

And a condition of no contact with the alleged victim(s).

Class B.....\$500

Class C.....\$500

Class D Misdemeanor [dus], unclassified misdemeanor, and infraction

Release on a summons.

A judge may contact the jail and set a detainee's bond higher than the scheduled amount pursuant to Supreme Court Rule 33.01.

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Attachment B

DETAINEE OPTIONS FOR SETTING BOND

**ONLY USED FOR DETAINEES ARRESTED FOR:
MISDEMEANORS
CLASS B FELONY POSSESSION OF CONTROLLED SUBSTANCE
CLASS C AND D FELONIES**

DETAINEE'S NAME: _____

You have been booked into the County Jail and will be required to post bond in order to be released. The following options are designed to assure that detainees can be released from custody promptly and fairly with appropriate attention to public safety.

You have the following options:

OPTION 1: You have the right to have your bond set by a judge. Your bond will be set within 24 hours of your arrest. If you choose to have the judge set your bond, jail staff will notify the judge. Jail staff will notify you as to the amount of your bond as soon as the judge sets your bond.

OPTION 2: You can waive your right to have your bond set by the judge. If you do so, your bond is set at \$_____.

YOUR DECISION:

If you want the judge to set your bond (OPTION 1), please sign below:

If you want to waive your right to have the judge set your bond and post bond as noted above (OPTION 2), please sign below:

COUNTY JAIL STAFF

DATE

TIME

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420.7 MUNICIPAL ORDINANCE VIOLATIONS AND MUNICIPAL WARRANT ARREST BOND PROCEDURES

BOND POLICY AND PROCEDURES

EFFECTIVE ON JANUARY 23, 2017

FOR THE MUNICIPAL DIVISION OF THE 13TH JUDICIAL CIRCUIT OF MISSOURI

FOR THE CITY OF COLUMBIA, MISSOURI

It is hereby ordered that the Bond Policy and Procedure Revision dated September 15, 2016 is hereby repealed effective immediately. This Bond Policy and Procedures order shall go into effect immediately upon the repeal of the policy dated September 15, 2016.

ARRESTS OF PERSONS PURSUANT TO WARRANT

1. Any City of Columbia or University of Missouri Police officer who has knowledge of a warrant issued by this court for the arrest of a person in their presence or custody for any reason is hereby ordered to transport all such persons to the Boone County Jail or other place of confinement designated by their Chief of Police unless execution of the warrant at that time constitutes an immediate danger to the officer or others or upon request the court has withdrawn or modified the conditions of release on the arrest warrant. Upon arrival at the place of confinement the arresting officer is hereby ordered to execute the warrant of this court for the arrest of the defendant by requiring the person in custody to execute a written bond which is in compliance with Mo. S. Ct. Rule 37.F entitled Bond or lodging the person into the custody of the Boone County Jail until the conditions for release set by the court are satisfied by the arrestee.

2. No police agency or police officer has the authority to change the terms or conditions of release set by this court on a warrant for the arrest of a person or the authority to release the defendant from custody without requiring the person to satisfy the conditions of release ordered by the court on the arrest warrant.

ARRESTS OF PERSONS THAT ARE NOT BASED ON A PRIOR WARRANT

It is further ordered that the City of Columbia and University of Missouri Police Departments shall refer to the following schedule in setting appearance bonds for defendants in custody prior to the defendant's first appearance in court.

A. Any person arrested for any ordinance violation, other than those listed in paragraph 3 below, shall be entitled to be released from custody pending trial. When an arrest is made without a warrant, the peace officer shall carry out the following bond policy:

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1. *The defendant shall be released upon his or her written promise to appear at a later date, unless the peace officer or the city prosecutor presents evidence to the court that:*

a. The defendant's promise to appear alone is not sufficient to reasonably assure the appearance of the person, or

b. The person poses a danger to a crime victim, the community, or any other person.

2. Upon oral or written application by a peace officer or city prosecutor the court will consider the factors listed in Mo. S. Ct. Rule 37.15(d) to determine whether paragraph A 1 (a) or (b) should apply and if so, the court will then determine the least restrictive bond condition(s) that are necessary to assure the defendant's presence at future court proceedings or to protect crime victims, the community, or any other person. The Court will then issue a written order stating the conditions of release imposed and the conditions shall be given to the defendant by means of an approved bond form.

3. If the arrested person is in custody for a **Driving While Intoxicated or Driving with Excessive Blood Alcohol Content** ordinance violation:

- a. The police officer or city prosecutor may release the arrestee on his written promise to appear in court by issuing a uniform citation to appear on the offense, **OR**
- b. If the police officer or city prosecutor reasonably believes that a bond is necessary to ensure the defendant appears for court or reasonably believes the arrestee is currently a danger to the community or any other person based on facts such as a history of failure to appear in court, the circumstances of the present intoxication related arrest, and/or the present physical/mental condition of the arrestee the court hereby orders:
 - i. The arrestee shall be required to post a bond of FIVE HUNDRED DOLLARS (\$500.00) SURETY OR CASH. See: **Mo. S. Ct. Rule 37.17** (2004).
 - ii. If the arrestee indicates that he/she does not have the present ability to post the bond set out above, the police officer or the prosecuting attorney shall immediately contact the court and the court shall determine a proper conditions for the arrestee.

4. Defendants held in municipal custody shall not be held more than twenty four (24) hours without a warrant after arrest.

5. Defendants in custody pursuant to an **INITIAL** arrest warrant issued by this court shall have an opportunity to be heard by a Municipal Judge in person, by telephone, or video conferencing as soon as practicable, and not later than forty-eight (48) hours on minor traffic violations and not later than seventy-two (72) hours on other violations, and if not, given that opportunity, are to be released from custody.

6. "**Minor traffic violation**", a municipal or county traffic ordinance violation prosecuted that does not involve an accident or injury, that does not involve the operation of a commercial motor vehicle, and for which no points are assessed by the department of revenue or the department of revenue is authorized to

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assess [no more than] one to four points to a person's driving record upon conviction. Minor traffic violation shall exclude a violation for exceeding the speed limit by more than nineteen miles per hour or a violation occurring within a construction zone or school zone;

7. Contact information for the Municipal Court Judge and the Associate Municipal Court Judges are as follows:

1. Cavanaugh Noce 874-7390; 815-9015; 424-5636
Court: 874-7232 or 874-7298
2. Jack Morgan H-441-0549 Cell-289-3752

**** Please call the 573-874-7390 number first as it will automatically roll over to the on-call Judge after hours. If unsuccessful at that number, begin calling alternate numbers starting with Judge Noce. ****

METHODS OF POSTING BONDS

UNSECURED BONDS

Personal recognizance bond: Defendant is released on his/her written promise to appear at all Court proceedings. An approved bond form and next court date shall be executed and signed by the defendant prior to release.

Unsecured monetary bond: Defendant is released on his/her written promise to appear at all Court proceedings **AND** to pay to the Court the full amount of the monetary bond set by the court in the event he/she fails to appear as promised. An approved bond form and next court date shall be executed and signed by the defendant prior to release.

CASH BONDS

1. Clerks shall accept only cash, certified check, money order or equivalent, personal check, or approved credit card for cash bonds. A personal check is acceptable for posting a cash bond **ONLY** under the following circumstances:

- a. Personal checks will be accepted from defendants **ONLY**. Personal checks **WILL NOT** be accepted as bond from a surety.
- b. Personal Checks must be drawn on a State of Missouri bank.

2. When a cash bond is posted the receipt shall be made in the name of the defendant. Any money, certified check, money order or equivalent, credit card receipts, or personal check shall be considered by the court as belonging to the defendant. If the defendant is found guilty, all assessments against the defendant, such as fines, court costs, warrant fees, and any other related court costs ordered by the judge will be deducted from the cash bond before any money is refunded to the defendant or his assignee. A third party may claim any

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refundable money at the conclusion of the charges only if the defendant has properly assigned the defendant's bond receipt to that third party on the Bond Assignment Form set out in The Rules of the Circuit Court of the Thirteenth Judicial Circuit of Missouri.

3. Defendants should be advised that the bond receipt **MUST** be presented to the Municipal Court to get their bond returned after their case is concluded.
4. Auto Club (AAA) cards and Amoco Motor Club membership cards are acceptable as bond on traffic offenses only.
5. Credit Cards used for posting cash bonds while personally present at the City of Columbia Police Department or University of Missouri Police Department shall be processed through Traffic Payment .com.

SURETY BONDS

Municipal Court will accept the use of a Surety Company and Agent for appearance bonds if the Surety Company and Agent meet the qualifications set forth in Mo. Sup. Ct. Rule 37.32 (2004) and Rule 69.5 (A)(1) of the Mo. Ct. Rules for the 13th Judicial Circuit.

All Compensated Sureties shall meet the qualifications set out by Mo. Sup. Ct. Rule 37.30 and 37.31. (2004).

Personal Sureties must post a cash bond (**personal checks are not acceptable**). Personal Sureties must meet the following criteria as set forth in Mo. Sup. Ct Rule 37.29 (2004) and Rule 69.5 (A)(1) of the Mo. Ct. Rules for the 13th Judicial Circuit:

A person shall not be accepted as a surety on any bail bond unless the person is reputable, at least 21 years of age and a resident of Missouri, and has net assets with a value in excess of exemptions at least equal to the amount of the bond that are subject to execution in the State of Missouri, and has not been convicted of any felony under the laws of any state or of the United States, and has no outstanding forfeiture or unsatisfied judgment, thereon entered upon any bail bond in any court of this state or of the United States.

A lawyer, or an elected or appointed official or employee of the State of Missouri or any county or other political subdivision thereof shall not be accepted as a surety on any bail bond, except that, this disqualification shall not apply if the principal is the spouse, child or family member of the surety.

If there is more than one surety, the aggregate net worth of the sureties in excess of exemptions shall be at least equal to the amount of the bond.

NON-RESIDENT VIOLATOR COMPACT (NRVC)

Non-Resident violator compact procedures should be followed on traffic violators from member states. A list of Member States as of 5/9/06 are attached hereto:

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When issuing a summons for a traffic violation, a motorist who possesses a valid operator's license from a member state shall not be required to post a bond to secure appearance if the officer receives the motorist's signed personal assurance that he or she will comply with the terms of the summons. (544.046 RSMo.)

SO ORDERED THIS 23 DAY OF January, 2017.

CAVANAUGH NOCE

JUDGE OF THE MUNICIPAL DIVISION OF THE 13th JUDICIAL CIRCUIT

FOR THE CITY OF COLUMBIA, MISSOURI.

IT IS ORDERED THAT: The Municipal Court Clerk shall provide a copy of this Bond Policy to the Presiding Judge of the 13th Judicial Circuit of Missouri, to all other interested parties, and a copy shall be prominently displayed in the lobby of the Municipal Court Building per Rule 69.4 of the Mo. Ct. Rules for the 13th Judicial Circuit.

420.8 MUNICIPAL SUMMONS ELIGIBILITY FOR DIRECT RECORDS ENTRY

420.8.1 PURPOSE AND SCOPE

This procedure establishes the process for officers to submit a summons to the Records Unit in place of entering a report into the Records System.

420.8.2 ELIGIBLE VIOLATIONS

Only specific City Ordinance violations are eligible for this procedure. Any other law violation that is not listed here shall be handled as described in policy and other procedures. The following City Ordinance violations may, but are not required to, follow this procedure:

- 4-20 Purchase or Possession by Minors; Intoxicated Minors; Exceptions (by consumption only)
- 11-290 (Smoking in Public Places) Restrictions
- 16-156/16-157 Trespass in the First/Second Degree
- 16-176.1 Peace Disturbance
- 16-182 Impeding the use of the Street, Sidewalk, Alley, Public Way
- 16-184 Nuisance in Place Open to Public View
- 16-185 Possession of Open Container of Alcoholic Beverage or Consumption of Alcoholic Beverage in Certain Public Places
- 16-186 Unlawful Panhandling
- 16-224 Deceiving a Law Enforcement Officer
- 16-231 Littering

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- 16-234 Fireworks and Firearms (fireworks only – firearms violations are excluded)
- 16-258 Radios, Phonographs, etc. Outside the Downtown Area

420.8.3 ELIGIBILITY EXCEPTIONS

Under certain circumstances the above listed City Ordinance violations would be ineligible for this process. Such circumstances are as follows:

- The offender is arrested for an additional law violation that is not listed above
- The offender is required to post bond
- A property field is required or item of evidence is collected to be submitted to the Evidence Unit
- The completed summons is not easily read (as determined by the Records Unit)

420.8.4 SUBMISSION PROCEDURE

The following procedure establishes the process for submitting an eligible summons to the Records Unit in lieu of entering a report into the Records System:

1. Officers are to complete the eligible summons and obtain a case number.
 - a. The number shall be written on the summons in an appropriate location near the top of the summons.
2. Officers shall obtain the offender's signature on the summons promising to appear in court.
3. Officers should obtain available witness information.
 - a. Witness information shall be given in the narrative provided with the summons. For further information regarding formatting, see the Intelligence Lock-out Report format.
4. Officers shall provide a narrative for the summons the same as if a Records System entry was done. The narrative may be provided in one of the following manners:
 - a. Written legibly on the back of the summons
 - b. Recorded on the Dictaphone system
 - c. Typed in Microsoft Word and attached or saved to a location the Records Unit can access
5. The summons will be entered into the Records System by the assigned member of the Records Unit.
6. The required Case Management entry will be made by the same assigned Records Unit member.
7. The completed report will be provided to the original officer for approval.
8. The officer shall correct and/or sign the report and submit it according to policy and procedures for report approval.

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420.9 WARRANT ARREST PROCEDURE (State and Municipal)

420.9.1 PURPOSE AND SCOPE

The purpose of this procedure is to outline the process for arresting subjects with various types of active warrants and streamline the process for simple warrant arrests not involving other criminal charges or an articulable need for additional documentation.

420.9.2 PROCEDURE (Simplified Warrant Arrest)

The following procedure is for a simple warrant arrest with no other circumstances that would require the completion of an offense report, supplemental report or Blue Team entry. This means the warrant is a Failure to Appear (FTA) warrant, traffic warrant or a warrant from another agency. If the above is true, you can use the following "Short Form" process.

1. Confirm warrant is active.
2. Draw a case number.
3. Transport prisoner to the Columbia Police Department or the Boone County Sheriff's Department.
4. Complete an arrest report along with fingerprints and mug shot.
5. Attach a copy of the warrant and fingerprint cards to the arrest report.
6. If applicable, Issue any summons not requiring an offense report (i.e. traffic summons)
7. Place the documents in the "Summons Eligible for Records Entry" basket in the Sergeants Office (no offense report or narrative needed from the officer, Records Unit will build the appropriate offense report if needed).
8. Allow prisoner to arrange for bond or complete the conditions for release as described on the warrant.

Officers always have discretion to complete an offense report to document other factors or intelligence. This process should only be used on a straight forward warrant arrest.

The "Short Form" process is NOT to be used on warrants resulting from a CPD warrant request, or when other charges exist that require an offense report, supplemental report or Blue Team entry.

420.9.3 PROCEDURE (Warrant related to CPD warrant request)

The following procedure is for warrant arrests where the warrant is based on a warrant request from a Columbia Police Department case.

1. Confirm the warrant is active.
2. Research the case related to the warrant to determine if a detective needs to be contacted for a follow up interview. Confer with supervisor and contact detective if needed.
3. Transport the prisoner to the Columbia Police Department or the Boone County Sheriff's Department Jail as appropriate.
4. Complete arrest report, under the original CPD case number, along with fingerprints and mug shot.

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5. Complete a supplemental report to the original case number documenting the circumstances regarding the warrant arrest.
6. If other charges exist, request an additional case number(s) to document the arrest and other offenses as needed.

Allow prisoner to arrange for bond or complete the conditions for release as described on the warrant

420.10 SHOPLIFTING RESPONSE PROCEDURE

420.10.1 PURPOSE AND SCOPE

This procedure is to be followed for shoplifting incidents where the value of the stolen property is \$50.00 or less. The purpose of the procedure is to allow the majority of shoplifting suspects to be released at the scene without the time-consuming process of transporting to the Columbia Police Department (CPD) for arrest processing, offense report writing, and evidence processing. If the value of stolen property exceeds \$50.00, use normal procedures for arrest, processing, and report writing.

420.10.2 PROCEDURE FOR RESPONDING OFFICER(S)

1. Upon arriving at the victim business, obtain and review the "Shoplifting Report Form" completed by store employee(s). If no form has been completed, provide said form and have them complete it or provide the internet link to be completed electronically and printed.
2. Obtain a copy of receipt of stolen item(s).
3. Obtain a case number and provide to store employee.
4. Inform Loss Prevention or store employee they are responsible for maintaining any video evidence for court use.
5. Escort suspect to patrol car.
6. Verify ID of suspect and that suspect has no warrants and is not wanted for other purposes.
7. Issue appropriate summons. (This is your PC Statement, so do not just write "stealing").
8. Advise suspect of trespass warning for the victim business if requested.
9. Release suspect at the scene.
10. The shoplifting form, accompanying receipt, and summons will constitute the officer's completed offense report and should be turned in to records for entry. Responding officer should make appropriate trespass warning entry in CPD Records.

This procedure does not prohibit the suspect from being transported to CPD for processing and/or bonding should the officer feel it is appropriate. In such cases the officer shall complete a conventional offense report, arrest sheet, and evidence processing. However, these cases should be rare and the need clearly articulated by the officer in the report. Justifications could be extensive FTA or prior theft conviction history, etc.

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420.10.3 PROCEDURE FOR VICTIM RETAILER

Shoplifting Victim Information:

The following procedure will be followed for shoplifting incidents where the value of the stolen property is \$50.00 or less and the detained suspect is cooperative with store employee(s). For losses that exceed \$50.00 in listed value, any case involving a juvenile suspect, or cases where suspect(s) assault store employees, normal arrest and transport procedures will apply.

1. Prior to the arrival of law enforcement the witness employee(s) should complete the "Shoplifting Report Form" and have the signed original ready for the responding officer. The store should also retain a copy. The form can be completed online and printed (preferred) or printed first and completed by hand.
2. The responding officer must be provided a copy of a receipt listing the stolen item(s) and corresponding value(s) showing a total retail price of \$50.00 or less.
3. The store employee/witness will be responsible for maintaining any video evidence pertaining to the case and be able to provide same for court use.
4. An authorized store employee must inform the officer whether or not the suspect is to be issued a trespass warning for the business and/or associated businesses.
5. Once the officer verifies the suspect's ID and that he/she has no warrants, appropriate summonses will be issued and the suspect will be released.
6. The Shoplifting Report Form, store receipt, and the summons will constitute the entire police report. The store employee/witness will be responsible for court testimony and evidence in any subsequent legal proceedings.
7. In rare instances, to be determined by the responding officer, the suspect may be transported to CPD and processed as normal in which case conventional report completion and evidence processing will be handled by the officer.