

DEPARTMENT GENERAL ORDER 03-05

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 99-56
SOP 501.100.00

DATE: June 20, 2003

WARRANT APPLICATION

I. PURPOSE.

To provide guidelines in regard to warrant application procedures and the administrative requirements associated with same. This shall include the application process, warrant service activities, and the completion of all related documentation.

II. WARRANT APPLICATION PROCESS.

Officers shall obtain supervisory approval of each arrest report prior to their submission to the St. Louis County Prosecuting Attorney's office for warrant application. Once approval has been obtained, the arresting officer or his designate should call the warrant office to schedule an appointment with a warrant officer, or contingent upon the suspect being detained on a twenty-hour hold, to proceed to that location for walk-in service. The officer(s) making warrant application on a state charge shall obtain two (2) typed copies of the incident report and along with a complete copy of the suspect's criminal history and fingerprint cards, present it to the prosecuting attorney at the time of application.

Officers needing warrant application on a City charge shall forward a copy of the incident report and/or summons to the court clerk. The documents will then be forwarded to the City of Clayton Prosecuting Attorney for review.

Warrant application shall be made at the earliest possible date from the time of the arrest, but in an effort to accommodate the current twelve-hour shift schedule, should an officer initiate an arrest during the night watch and there are no over-riding considerations (such as a twenty-hour hold) for an immediate warrant application to be made, the officer will, whenever practical, defer such warrant application until the arresting officer rotates to the day watch. However, warrant applications shall be within a maximum of forty (40) calendar days whenever possible. It shall be the responsibility of shift supervisors and platoon/division commanders to ensure that warrant applications are made within the preceding time constraints. To assist in this process, on a monthly basis, the Data Analyst will provide platoon and division commanders with a list of those cases, and the officers responsible for same, where warrant application remains outstanding.

A. Warrant Submission (State/City)

Depending upon the seriousness of the offense, officers shall present criminal cases to either the St. Louis County Prosecuting Attorney or the City of Clayton prosecuting Attorney for warrant application.

1). St. Louis County Prosecuting Attorney

All felony charges, and such misdemeanor cases which involve violence or the threat of violence, shall be submitted to the St. Louis County Prosecuting Attorney's office for warrant application.

2). City of Clayton Prosecuting Attorney

All other misdemeanor charges or those which have been referred back to the City by the St. Louis County Prosecuting Attorney's office, shall be submitted to the City of Clayton Prosecuting Attorney for review.

B. Warrant Service

Should a criminal suspect be in custody on a twenty-hour hold at the time warrant application is made, the officer making the application shall take possession of the completed warrant, and armed with same, proceed to the St. Louis County Justice Center. The officer shall then serve the warrant on the suspect, complete the return data on the form, and turn the warrant over to Justice Center personnel. They, in turn, shall retain a copy of the warrant and forward the original to the Warrant Services Division of the St. Louis County Police Department.

In those instances where a suspect may be in custody at the Justice Center on a charge from another jurisdiction, and an officer of this agency makes warrant application on a local offense, the officer shall take custody of the warrant and subsequently serve same. Similarly, should an officer or officers of this command lodge a suspect at the Justice Center and a St. Louis County warrant is found to be outstanding, the officer(s) will obtain a copy of the warrant from the Warrant Services Division and serve the document in the prescribed manner. The completed warrant shall then be returned to the Warrant Services Division.

B. Warrant Refusal/Taken Under Advisement

In those instances where an arresting officer does not believe the existing evidence against a suspect will support the issuance of a warrant, the officer may submit an electronic request to the St. Louis County Prosecuting Attorney's office for a warrant refusal or to have the case taken under advisement. The following procedure will govern these requests:

1. The officer requesting the refusal must send an e-mail to the warrant office listing the officer's name and DSN, department, police report number, the officer's phone and pager numbers and the specific reason the officer wants the case refused. (victim declines to cooperate, not a controlled substance, etc.)
2. The e-mail must be immediately followed by a legible fax from the officer of the police report and all related documents. It is not necessary to send St. Louis County lab reports, but the report number must be included.
3. If the department is on the CARE system, the e-mail should so state and the report need not be faxed. However, all other documents in the case not included in the report on CARE must be faxed immediately.
4. The matter will be reviewed by a warrant officer as soon as practicable after receipt. The officer will be informed by return e-mail of the decision by the prosecuting attorney's office. The officer, in turn, should then initiate whatever notifications or report documentation is necessary.

C. Documentation

Upon the issuance or refusal of a state warrant, or when same is taken “under advisement,” the applying officer shall complete a warrant disposition form. In those cases where a warrant is issued, the required information on this form should include: the case number, suspect’s name, court division number, warrant number, amount of bond, name of warrant officer, the charges issued, disposition of warrant, officer’s name, and any pertinent remarks.

In the event of a warrant refusal or that same is taken under advisement, the reason(s) for such a decision shall be entered on the warrant disposition form and will replace much of the information normally obtained. As with all report forms, the completed warrant disposition form must be approved by the officer’s supervisor. The report shall then be forwarded to the Administrative Division, at which time data from same shall be entered into the computer. The original hand-written report will then be filed. A warrant disposition form must also be completed in those instances when an officer elects to FAX a request for a warrant to be refused or taken under advisement.

1). City of Clayton

No warrant disposition report will be required as a result of a warrant application made to the prosecuting attorney for the City of Clayton.

III. WARRANT TRANSFER.

In the event a suspect is not in police custody at the time of warrant application, or is currently serving a sentence at the Justice Center or other confinement facility, the officer making warrant application shall leave the completed warrant with the issuing court. The court will then transfer same to the Warrant Services Section of the St. Louis County Police Department. That agency shall then assume full responsibility over the warrant and, in addition to making such computer entries as are necessary, will attempt to locate the suspect and effect an arrest. It should be noted however, that any efforts by St. Louis County shall not preclude this department or others from actively pursuing the arrest of the suspect named in the warrant.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

TJB:dld

CALEA Reference: None

