

April 8, 2010

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE****Index as:**

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BOOKING PROCESS, FINGERPRINTS, MUGSHOTS**417.00 PURPOSE**

The purpose of this General Order is to establish policy and procedure for booking, fingerprinting and photographing arrested subjects. Further guidance is found in General Order 416.00 *Prisoner Conveyance and Holdover Facilities*.

417.01 POLICY

- A. No subject will be brought to the station and charged with an offense, unless probable cause exists that indicates the subject has committed a specific crime. Arrested subjects will be booked on state or local charges documented in the REJIS computer system.
- B. Prisoners being conveyed to the station should be brought inside the building through the sally port entrance unless approved otherwise by a supervisor. All officers must secure their firearms in a gun locker prior to entering the booking room / holdover.
- C. Immediately upon placing the prisoner in the booking room he will again be searched and all property seized and inventoried on the booking sheet. This will include belts, shoelaces, wigs, jewelry, shoes, coats, hats, cigarettes, matches, and all personal items. The disposition of his automobile will be reflected in the police report. Generally, a prisoner should only retain his underclothing, shirt, pants and socks. Strip Searches will be made only as provided in General Orders. Only a female officer or other designated female personnel will search female prisoners. This does not preclude preliminary frisk searches at the scene for the officer's safety.

- D. After inventorying the prisoner's property, a complete description of the property will be entered in the "property" section of the REJIS system.
- E. The booking sheets will be maintained in the holdover area. A copy of the booking sheet will be forwarded to the Municipal Court when the prisoner is released. It will be sent with corresponding bond and paperwork for audit. At that time the booking sheet will be sent to the records division.

417.02 CASE DISPOSITION

- A. It is the policy of this department that all warrant cases will be applied for within thirty days of the arrest except in cases, which require laboratory analysis. When warrant application is delayed longer than 30 days, application will be made within 30 days of the results being received from the laboratory.
- B. The original copy of the booking sheet will be kept in the Holding Facility.
- C. Copies of booking sheets will be maintained in the record room. They will be held in storage for a period twelve months. At the end of twelve months, they will be disposed of with the permission of the Chief of Police.
- D. It will be the responsibility of the Officer/Detective to insure that warrant applications are made during the allotted 30 day period. It is the record room clerk's responsibility to maintain the Booking Sheets in numerical order using the Booking Sheet register numbers.
- E. Booking Sheets, which are completed for Protective Custody arrests, will not be entered into the computer and no photographs or fingerprint cards will be completed. All copies of the "Protective Custody" Booking Sheets will be filed with the incident report.

417.03 MEDICAL HISTORY

- A. It is the responsibility of the booking officer to identify persons admitted to the holding facility who might be security risks, who have medical conditions, which might require formal medical supervision, segregation from other prisoners, or other special handling. Therefore, the following areas should be addressed with the detainee and documented on the booking sheet under "Medical Remarks":
 - 1. the current health of the detainee:
 - 2. medications taken by detainee:
 - 3. behavior, including state of consciousness and mental status: and
 - 4. body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.
- B. In the event that the booking officer observes a medical condition or other abnormal condition which might require special handling procedure, he will immediately notify

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the on duty Watch Commander who will determine what precautions to take. These precautions should be considered and acted on individually. Refer to General Order 473.00 – Medical Treatment for Prisoners for further guidance.

417.04 PHOTOGRAPHS:

The booking officer, using the REJIS system, will take three photographs (mugshots) of all adults arrested (except Protective Custody cases) and juveniles charged with a felony. The following procedure will be used for taking prisoner photographs.

- A. The officer should have the prisoner remove all hats, headbands, jewelry etc. prior to the photograph being taken.
- B. The officer will make sure that the correct arrest number is displayed and will have the arrested person stand in the designated footprints.
- C. The first photograph will be taken with the arrested person looking straight forward and the second photograph will be taken with the person looking to their right and the third photograph will be taken from the left.
- D. Photographs should be taken of accessible tattoos.
- E. If the arrested person wears glasses, take two sets of photographs with the person looking forward, one with glasses and one without glasses.

417.05 REQUIRED DNA COLLECTION

Effective August 28, 2009, it is mandatory that DNA samples will be collected for submission to CODIS for any person who is seventeen years of age or older and who is arrested for:

- burglary in the first degree under section 569.160, RSMo, or
- burglary in the second degree under section 569.170, RSMo, or
- any felony offense under chapters 565 (Crimes Against Persons), 566 (Sex Offenses), 567 (Crimes Against the Family), 568 (Prostitution), or 573 (Pornography), RSMo.

RSMo 650.055 requires that subjects arrested for the above qualifying offenses submit a DNA sample. The arrestee cannot refuse to submit a sample.

The following procedure shall be used for collecting the DNA samples:

- A. The MSHP DNA Profiling collection kits are to be used for the Offender DNA Collection program, they are not to be used for voluntary samples, elimination samples, or suspect samples.
- B. The booking officer must determine if the arrested person meets the above criteria for DNA collection. Upon determining that DNA is required, the officer shall;

1. Run a Criminal History or QDNA Query through MULES. This report will provide information if DNA has already received by the Highway Patrol. If the Criminal History and/or QDNA report shows there is DNA on File, then a DNA collection is not required.
 2. If the Criminal History and/or QDNA report shows there is NO DNA on file then a DNA sample must be collected.
- C. Each collection kit is designed for one time use and consists of protective gloves, a sample collection card, pre-inked fingerprint sheet, a disposable buccal swab, and a pre-addressed mailing envelope.
- D. The collection procedure is fully explained in each DNA Collection kit. The key items to remember are to wear the gloves when handling, obtaining, and packaging the sample. Be careful not to cough, sneeze or contaminate the sample during collection and packaging.
- E. The certification form must be filled out with the offender's information. In addition you MUST fill in the OCN, there is no designated space for it, but write it in next to the charge code. Next to the JAIL space write in either the letter A - for Arrestee or the letters SO - for Sex Offender.
- F. The left index fingerprint is required on the form. If the subject does not have a left index finger, use another finger but note on the card which one was printed.
- G. All of the Offenders Information cards are bar coded and must be accounted for. If you make a mistake filling out the card, simply place a line through the mistake and make the correction. If a card is beyond correcting, write INVALID across it and mail it to the MSHP lab for accountability
- H. After the booking officer completes the DNA Sample Collection Card, he shall put it in the preaddressed business reply envelope mail it. The samples will be mailed by the booking officer to the MSHP Lab in Jefferson City, MO.
- I. The booking officer must log all DNA samples taken into the "DNA Collection Log" Book.

DNA samples should always be taken in the fingerprint room where the entire process can be automatically recorded.

Per section 650.055 RSMo, a person that is required to submit a DNA sample does not have the right of refusal and "force may be used as necessary to the effectual carrying out and application of such processes and operations." In the event that a subject refuses to cooperate and submit to a DNA sample, a supervisor should be notified to respond to the booking

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room. The supervisor will determine the extent of any force that may be utilized to obtain the sample. Any use of force should be properly documented per General Order 410.00.

The statute requires an automatic expungement of the DNA if the warrant on the qualifying charges is refused. We have 90 days from the **time the warrant is refused** to notify the MSHP DNA Profiling Section, so they may expunge the DNA. If the warrant is issued or Taken Under Advisement, there is no notification or expungement requirement.

In order to track the and notify the MSHP DNA Profiling Section, officers/detective **MUST** notify the Evidence Manager if a warrant is refused on any qualifying charges, so that he may file the appropriate paperwork with the MSHP DNA Profiling Section.

The Evidence Manager will run a monthly query of arrests where a DNA sample has been taken to ensure that the MSHP DNA Profiling Section receives the necessary expungement notifications.

417.06 FINGERPRINTS:

Fingerprints will be required for all adults arrested on federal, state felony, misdemeanor, municipal ordinance and fugitive arrests. Fingerprints are not required for Protective Custody cases.

Fingerprints should be taken using the Livescan fingerprint machine. All officers are required to have six hours of training on this machine, to have passed the written test required by the State Criminal Records Division, and to have filed the AFIS Security application with the State Criminal Records Division. Once these requirements have been met, the officer will be assigned a sign-on name by the Site Administrator. If the Livescan machine is not operational, then it is permissible to fingerprint arrested persons using State and FBI fingerprint cards. The following is the procedure for using the Livescan machine.

- A. Enter the arrested person's information into the REJIS system. When this is done, the information can be cloned over to the Livescan machine. From the menu, select the type of fingerprint card desired (i.e. Criminal, Criminal with palms, Juvenile) and using the persons arrest tracking number, the data will be transferred from the REJIS Jail Management System to the Livescan system, if the data does not transfer, then it must be entered manually.
- B. Roll the persons fingerprints. When completed, the printed Livescan card should be attached to the booking for eventual forwarding to the record room. The Livescan machine will generate an Offense Cycle Number (OCN) on both the computer internal records and the fingerprint card itself (ex. F1000XXX). This OCN number will be entered into the Jail Management booking information in the field for OCN numbers. The arrested subject should sign all fingerprint cards.

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- C. Livescan will print three separate cards for juvenile offenders. One card contains the juvenile's ten print fingerprints and the OCN number. The other two cards contain the juvenile's pedigree information and the OCN number. These cards must be stapled together and sent to the Evidence Manager for forwarding to the St. Louis County AFIS Unit.
- D. When the fingerprint record is completed and approved, it will be electronically transferred to the State AFIS computer in Jefferson City. Any errors made in data entry should be corrected using the Livescan Correction Form available in the booking area. The officer should complete the form, listing the data entered in error and the corrected data. This form should be sent via fax to the State Criminal Records Division

417.07 EMPLOYMENT APPLICANT CARDS:

Fingerprints for commissioned and civilian applicants should be taken using the Livescan machine. The pull down menu for "Reason Fingerprinted" should have "Law Enforcement Employment" checked to ensure that the department is not charged for the fingerprint search. The completed search will return from the State Criminal Records Division usually in 5-7 days.

417.08 ELIMINATION PRINTS:

Correction officers processing elimination prints will use the Livescan machine. In addition to the ten print cards, palm prints should also be taken. The completed cards should be forwarded to the evidence manager with the latent prints.

417.09 CITIZEN REQUESTS FOR FINGERPRINTS:

All persons coming into the station requesting fingerprinting for licenses such as doctors, attorneys, aliens, etc., i.e., Immigration authorities, the Missouri Bar, Medical Association, etc.

- A. This service will be provided for Ferguson residents.
- B. Fingerprinting service will be provided on weekdays, during the hours of 0900 and 1630, except holidays, or by special approval of the Watch Commander.
- C. The records clerk will receive the fee and issue a receipt. All fees received will be submitted to the City General Revenue Account.

417.10 DISTRIBUTION OF PRINT CARDS:

With the Livescan machine, the fingerprint cards are electronically transferred to the State AFIS computer in Jefferson City. When Livescan is not operational and the old fingerprinting system is used, the records clerk will be responsible to forwarding these cards to the De-

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partment of Public Safety, Missouri Highway Patrol Criminal Records Division, Post Office Box 568, Jefferson City, MO 65102.

417.11 PRISONER PROPERTY:

When an officer has arrested or otherwise taken custody of a prisoner, he is responsible for the property of that prisoner until such time that he has accounted for and properly secured the items. To avoid the possibility that a prisoner might allege theft from his or her property, the following procedure will be instituted:

- A. Whenever an officer takes custody of a prisoner from another jurisdiction it will be his responsibility to insure that he has received the proper items. This should be done by opening the property envelope and visually inspecting the contents to verify that the property is the same as listed on the envelope, or else have the prisoner verify the contents in your presence. This should be done while the officer is still present at the other jurisdiction.
- B. Officers will list each piece of property (except for misc. paper items) on our booking sheets, for any prisoner he arrests, regardless of the charge, and even if it has been packaged and accounted for by another agency. Officers are not to mark the property section of our booking sheet with statements similar to "One envelope with miscellaneous items" or "One sealed envelope".
- C. **Every item that an officer has listed on the booking sheet shall likewise be listed on the property envelope, along with the prisoner's name and our report number.** Officers may use the envelope of another agency if the items have been properly listed on the outside, the bag can be properly sealed, and our case number is marked on it.
- D. **NO** prisoner's property is to be placed into a property locker without being in a **sealed envelope (taped or stapled and initialed)** with the information properly listed on the outside. Large bulky items such as coats are to be listed in the property section of the report and simply placed in the locker along with the envelope.
- E. **If** an officer has to retrieve some item from the envelope at a later time, he will re-seal and initial the envelope when he is done and indicate the action in the REJIS Booking sheet.
- F. Cash will be counted by both the arresting officer and the arrested subject. The totals for both should agree.
- G. As each prisoner is released, the releasing officer will inventory all property in the prisoner's presence and will make sure that the prisoner signs for his property. In the event that a prisoner refuses to sign for his or her property, the arresting officer will notify the Watch Commander immediately.

417.12 PRISONER MEALS:

Prisoners confined to our holdover are entitled to be fed if they have been confined for at least three hours prior to a meal period.

BREAKFAST-6:00AM - 7:00AM
(Honey Bun)

LUNCH-11:00AM - 1:00PM
(Pot Pie)

DINNER-5:00PM - 7:00PM
(Same as Lunch)

417.13 PRISONER HOLDING, TIME LIMITS:

- A. Prisoners will not be held in this department's facility no longer than seventy-two (72) hours.
- B. If an arrest is made without a warrant and a warrant is not issued within twenty-four hours, the prisoner must be released at or prior to the twenty-four hour mark.
- C. If a prisoner wanted by another agency has not been picked up by the twenty-four mark, that prisoner shall be released or transferred to the St. Louis County Department of Welfare, whichever is appropriate for the situation. The St. Louis County Department of Welfare will accept prisoners that are wanted by other agencies if a felony warrant, federal warrant or federal detainer has been issued. They will also accept prisoners wanted on misdemeanor warrants by agencies that are outside of St. Louis County. Officers may call the intake desk at St. Louis County at 314-615-7098 to verify prior to conveyance that the prisoner will be admitted.
- D. If a warrant is issued on Ferguson case for a state felony or misdemeanor, that prisoner will be conveyed to St. Louis County Department of Welfare.
- E. If a prisoner being held on a Ferguson Municipal warrant has not posted bond within seventy-two hours, that prisoner shall either be released on a Recognizance Bond or transferred to the St. Louis County Department of Welfare (for guidelines see General Order 472.00 *Ferguson Municipal Prisoner Incarceration...*).

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By order of:

A handwritten signature in cursive script that reads "Colonel Thomas Jackson". The signature is written in black ink and is positioned below the text "By order of:".

Distribution
All Department Personnel

COLONEL THOMAS JACKSON
Chief of Police