



SUBJECT

Arrest Guidelines/Procedures

AMENDS

REFERENCE

RSMo Sections: 84.710, 479.350, 544.155, 544.157, 544.170, 544.180, 544.193, 544.210
P.I.: Ambulance Calls and Arrests Taken to Hospitals; Arrests Procedures - Possession of a Controlled Substance; Contact with Foreign Nationals; Detaining & Questioning and Search & Seizure Procedures; Juvenile Procedures; Prisoner's Personal Property Procedure; Towing/Protective Custody of Vehicles and Contents; Recovered Property Procedures User Guides
Corrections Management System(CMS)Training Guide
Kansas Statutes Annotated (K.S.A. 22-2401, K.S.A. 22-2404)

RESCINDS

DM's 99-11, 03-11, 05-5, 05-10, 05-13, 05-21, 10-2, 11-7, 12-3, 13-4, 13-16, 14-02, 15-08, 16-10
P.I. 03-09 and 03-09A

I. INTRODUCTION

This written directive establishes administrative guidelines and procedures for effecting arrests with or without warrants.

II. TERMINOLOGY

- A. Body Cavity Search - The inspection of an arrestee's anus or genitalia, including but not limited to inspections conducted visually, manually, or by means of any physical instrument (RSMo.544.193).
B. Citation - The Uniform Traffic Ticket (UTT) will be referred to hereafter as a "Citation."
C. Contact and Advise (formerly Questioning Advisory) - A record intended to provide a way to let sworn members know of an interest to interview the person named in the record. No probable cause for arrest exists.
D. Custodial Arrest Inventory - All custodial arrests require an inventory of any closed containers and personal property such as bags, backpacks, purses, suitcases, briefcases, and like items.
E. Custodial Arrests -When a person is placed under arrest for a municipal ordinance violation, investigation arrest, or state/federal violation by a sworn member and then transported to a detention facility.
F. Custodial Search/Search Incident to Arrest - The thorough examination of an arrestee's clothing. Clothing will include all inner and outer coverings worn on their person (e.g., pants, shirt, coat, hat, gloves, etc.). Such searches must adhere to the limitations "relating to strip searches and/or body cavity searches." (RSMo. 544.193)
G. E-Ticketing - Regional Justice Information System (REJIS) ticketing application installed on a mobile handheld device.

- H. **Exigent Circumstances** - An emergency demanding immediate action by a sworn member with insufficient time for the sworn member to obtain a search warrant or court order.
1. This authority is normally invoked when human life is endangered by an accident, sudden illness, or criminal activity.
 2. Members should thoroughly articulate the circumstances in case reports.
- I. **Fresh Pursuit** – A police pursuit, whether by vehicle or foot, which is:
1. initiated within the peace officer's jurisdiction,
 2. immediate, meaning instant pursuit,
 3. consistent with reasonable police safety practices,
 4. conducted for the purpose of stopping the vehicle or apprehending the person (RSMo. 544.157).
- J. **Kansas Uniform Fresh Pursuit Law** – Allows a Missouri sworn member to immediately pursue a person into Kansas in order to arrest the person for committing a crime, such as a misdemeanor or felony offense, and grants the Missouri sworn member the same authority of arrest as a Kansas officer. There is also a requirement that the Missouri sworn member take the arrest before a judge in that state without delay (Kansas Statutes Annotated K.S.A. 22-2401).
- K. **Local (KCPD) State Warrant** – Issued by the Jackson County Associate Circuit Court for offenses investigated by this Department. Local (KCPD) state warrants are maintained on file at the Warrant Desk and are identified in the computer by the ORI MOKPD0000 and a KCPD case report number.
- L. **Locate Message** – Indicates a temporary change in record status in the National Crime Information Center (NCIC) and/or Missouri Uniform Law Enforcement System (MULES) file. The message is sent by the agency locating a person or property previously entered by another agency.
- M. **Missouri State Warrant** – Any felony, misdemeanor, or county municipal warrant issued by any county within the state of Missouri with the exception of a Local (KCPD) State Warrant.

- N. **Missouri Uniform Fresh Pursuit Law** – A law which provides that a sworn member from another state may enter into Missouri in fresh pursuit in order to arrest a person who is believed to have committed a felony or the crime of driving while intoxicated or driving with excessive blood alcohol content in such other state.
1. The law gives the sworn member of the other state the same authority of arrest as a Missouri sworn member.
 2. The law further provides that if a sworn member of another state is going to make an arrest in Missouri, the person being arrested must be taken before a judge without delay in order to determine the validity of the arrest (RSMo. 544.155).
- O. **Mobile Ticketing** – REJIS ticketing application installed on a laptop/desktop computer for entering and printing of subpoenas, citations, summons, and warnings.
- P. **Non-Custodial Arrests** - When a sworn member issues a citation/summons and releases the person from the scene (i.e., signature bond).
- Q. **Person of Interest** – A notice that a person is wanted for questioning or is a person of interest in a crime.
1. This record is not utilized within KCPD.
 2. This record is only utilized by outside agencies.
 3. Members will contact the appropriate outside agency listed on the record to determine proper handling with the person.
- R. **Probable Cause** – A set of facts and circumstances available to the sworn member upon inquiry which warrants a person of reasonable prudence and caution to believe that certain items may be contraband, stolen property, or subject to seizure as evidence of a crime or that a crime has been committed and that the suspect has committed the crime.
- S. **Protective Sweep** – The purpose of a protective sweep is to ensure the security and safety of the sworn member, not to secure evidence.
- T. **Serious Offense** – A crime, in which violence is involved, such as rape, robbery, serious assault, or murder.

- U. **Significant Passage of Time** – In the context of fresh pursuit, constant visual contact is not required. If a vehicle or person goes momentarily out-of-sight, but immediately comes back into sight, (e.g. going over a hill) the sworn member would not have "lost contact" within the meaning of the statute. However, a significant passage of time could be as little as a minute or two if the pursuing sworn member lost contact and was not in view of the vehicle or person being pursued.
- V. **Strip Search** – The removal or rearrangement of some or all of the clothing of a person so as to permit an inspection of the genitals, buttocks, anus, breasts, or undergarments of such person including, but not limited to, inspections conducted visually, manually, or by means of any physical instrument (RSMo. 544.193).
- W. **Summons** – The General Ordinance Summons (GOS) will be referred to hereafter as a "Summons."
- X. **Temporary Wants** – A record entry in MULES/NCIC without the existence of a signed warrant, provided that the entering agency has probable cause to believe that the person has committed a felony, may attempt to flee to avoid capture, and the agency is in the process of procuring an arrest warrant from a court. Temporary wants may also be entered upon the discovery of an escape from custody.
- Y. **Trial De Novo Warrant** – Issued by a Jackson County Circuit Court Judge after a case has been appealed from the Jackson County Circuit Court, 16th Judicial Circuit of Missouri, Kansas City Municipal Division, and the person fails to appear.
- Z. **Want** – A notice that a person is wanted based upon probable cause from an active investigation.
- AA. **Warrant Verification** – A process of contacting, by telephone or hit confirmation (teletype) message, the agency issuing the warrant to determine:
 - 1. If the warrant is valid (outstanding).
 - 2. If the person in custody is the same person named/described in the warrant.
 - 3. If the originating agency will extradite.
- BB. **Writs of Attachment** – Issued by the Jackson County Circuit Court, 16th Judicial Circuit of Missouri, Kansas City Municipal Division, for victims/witnesses who fail to appear in court as directed by a subpoena.

III. TABLE OF ANNEXES

This directive is arranged in annexes for easy reference.

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Darryl Forté
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2017.

Alvin Brooks
Board Vice President

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AUTHORITY TO ARREST

A. Effecting an Arrest

1. The verbal command of a sworn member to a person that they are under arrest and the submission of the person to such command or the physical restraint of the person is all that is necessary to constitute an arrest (RSMo. 544.180).
2. An arrest outside the city limits should be effected by the appropriate jurisdictional authority except in fresh pursuit as outlined in Section D of this Annex.

B. Authority to Arrest Without a Warrant

1. No person will be arrested, booked, or charged unless the sworn member has probable cause to believe the person has committed the specific crime for which they are being arrested.
 - a. Probable cause, including the facts and circumstances leading to the arrest, must be included in all reports relating to the arrest and charge.
 - b. The arrest cannot be based solely on reasonable suspicion nor can it be justified by facts and circumstances developed after the arrest.
 - c. The mere presence of a companion with the arrestee is not enough to establish probable cause to believe the companion is an accomplice.
2. Any detention or seizure of a person that is not based on probable cause or a warrant could make any physical evidence seized, statements made by the suspect or statements taken by the sworn member inadmissible in court. Members will refer to the current written directive entitled, "Detaining & Questioning and Search & Seizure Procedures."
3. While within the city limits, sworn members may arrest on view any person they see violating or have probable cause to believe they violated, any state law, or city ordinance, or whom they believe is a fugitive felon from another state or jurisdiction (RSMo. 84.710).
4. An arrest without a warrant but based on probable cause can be made in any public place.

5. An arrest without a warrant but based on probable cause can be made in a **private place** (e.g., home, residence, or other place) where a person expects privacy when one of the following occurs:
 - a. Sworn members have been given verbal consent to enter or have a Consent to Search, Form 155 P.D., signed by the person who has the apparent legal capacity to consent.
 - b. Exigent circumstances exist if at the time of entry:
 - (1) Sworn members have a reasonable belief that unless they enter there is an immediate threat of injury or death to a person.
 - (2) Sworn members are in fresh pursuit of a fleeing suspect that they have probable cause to arrest for a serious felony that has been freshly committed.
 - (3) Sworn members have probable cause to believe that critical evidence will be removed or destroyed unless the arrest is made immediately.
 - c. Sworn members have begun to physically effect an arrest in a public place and the suspect attempts to defeat the arrest by escaping into a private premise. Under these conditions, the sworn members would be justified in entering the private premise to complete the arrest.

C. Authority to Arrest with an Arrest Warrant

1. Whenever practical, the sworn member will obtain a warrant before initiating an arrest.
2. An arrest based on an outstanding, valid arrest warrant issued within the state of Missouri can be made in:
 - a. A public place or anywhere an individual does not have an expectation of privacy.
 - b. A private place:
 - (1) At a third party's private premise if:
 - (a) A search warrant had been obtained for that private premise, **or**
 - (b) Exigent circumstances exists, **or**
 - (c) The person who possesses common authority over the premise gives consent to search.

- (2) At the named person's residence, when sworn members have:
 - (a) An arrest warrant for the named person, **and**
 - (b) Reasonable belief the person resides at the premise to be entered, **and**
 - (c) Reason to believe the person is present at the time the warrant is executed.
3. Sworn members should be mindful of the following facts prior to the execution of an arrest warrant:
 - a. The warrant must be executed within the jurisdictional limits of the sworn member unless otherwise provided for by law.
 - b. The sworn members will verbally announce the intent to arrest the person named in the warrant.
 - c. Sworn members must knock first and announce their identity unless there are exigent circumstances.
4. Any reasonable doubt as to the correct identity of the arrestee as the person named in the arrest warrant should be resolved at the scene.
 - a. The person should not be taken into custody until verification of their identity is obtained.
 - b. Sworn members should contact their supervisor for questions regarding verification of the identity of an arrestee.
5. Persons arrested on outside municipal warrants issued within the state of Missouri will be transported to the appropriate detention facility.

D. Fresh Pursuit Outside City Limits

1. Sworn members may continue outside their jurisdiction in fresh pursuit only under the following circumstances:
 - a. Fresh pursuit must be initiated immediately and from within the sworn members jurisdiction, **and**
 - b. Fresh pursuit must occur after notice of intent to arrest the person or stop the vehicle (notice may include lights and/or sirens).

2. Fresh pursuit must be terminated:
 - a. If the sworn member loses contact with the person for a significant passage of time, **or**
 - b. If the county or municipal ordinance violation occurred outside the sworn member's jurisdiction.

E. Fresh Pursuit within the **State of Missouri**

1. A sworn member may continue outside the city limits and into another jurisdiction within the State of Missouri when:
 - a. The sworn member has probable cause to believe the person has committed a felony, **or**
 - b. In the presence of a sworn member, the person has committed or attempted to commit any criminal offense or violation or a municipal or county ordinance, **or**
 - c. The sworn member holds an arrest warrant (felony or misdemeanor) for a criminal offense for the person, **or**
 - d. A person arrested escapes. The sworn member from whose custody the escape was made may:
 - (1) immediately pursue and apprehend the person at any time and at any place in Missouri, **and**
 - (2) may command assistance in making the arrest (RSMo 544.210).
2. When an apprehension is made in the **State of Missouri** sworn members have the authority to arrest and hold in custody the arrestee.
 - a. If the arrest is made pursuant to a warrant, the arrestee will be handled as in other warrant arrests.
 - b. If the arrestee is served a citation, the arrestee will be directed to appear before the court having jurisdiction over the offense and released.
 - c. If the arrest is without a warrant, the arrestee must be taken before a judge of a state or municipal court with original jurisdiction in the county where the arrest was made.
 - d. If the arrestee is issued a summons by the sworn member, the arrestee need not be taken before a judge.

F. Fresh Pursuit into the **State of Kansas**

1. A sworn member may continue outside their jurisdiction in fresh pursuit and into the State of Kansas when they have the following probable cause:
 - a. The person has committed a felony in Missouri; **or**
 - b. To believe the person has committed a misdemeanor in Missouri **and**:
 - (1) Unless the person is immediately arrested that the person or evidence of the crime will be irretrievably lost; **or**
 - (2) The person may cause injury to self or others or damage to property unless immediately arrested; **or**
 - (3) The person has intentionally inflicted bodily harm to another person.
 - c. To believe that there is a felony arrest warrant for a criminal offense for the person.
2. When apprehension is made in the State of Kansas, the member will:
 - a. Immediately contact the agency with jurisdiction regarding the person of the pursuit and a request will be made for filing of the appropriate charges; **and**
 - b. Ensure the arrestee is immediately taken before the judge of the county in which the arrest was made; **and**
 - c. Under no circumstances transport the arrestee back across state line to file charges, as this would constitute an illegal extradition. Extradition can only be granted after a judicial hearing (K.S.A. 22-2404).

ARREST PROCESS

A. Mobile Ticketing Process

1. When issuing a citation or summons, a signature is not required from the violator/defendant.
2. Court dates for summons and citations will be set between twenty-eight (28) and seventy-five (75) days from the date of arrest. This does not apply to domestic violence cases.
3. Domestic violence municipal ordinance violations will continue to be scheduled for the next court day in the appropriate court room. Sworn members will check the domestic violation box on the "violation" tab.
4. For juveniles **under 17** years of age, members will contact the appropriate investigative element. For further information refer to the current process outlined in written directive entitled, "Juvenile Procedures."
5. Warning citations can be issued in lieu of a citation.
6. All citations and summons will be automatically forwarded to the court system upon completion and do not require supervisor approval.
7. A handheld device may be used for off-duty functions only if authorized by a patrol division commander.
8. Off-duty sworn members may utilize paper citations and summonses when a Mobile Ticketing device is not available.
 - a. Entering paper tickets can only be accomplished through the Mobile Ticketing application.
 - b. All paper citations/summons are required to be entered into Mobile Ticketing application within twelve (12) hours of issuance.
 - c. Members entering a paper citation or summons into the Mobile Ticketing application will refer to the User Guides located on the department intranet.
9. Mobile Ticketing System Failure (to include printer malfunctions)
 - a. In the event of a complete handheld system failure, all members will utilize the paper citation and summons.
 - b. When the connection is re-established, members entering a paper citation or summons into the Mobile Ticketing system will refer to the User Guides located on the department intranet.

- c. If the citation/summons was not completed (e.g., a ticket number wasn't issued) in the Mobile Ticketing device there is no need for voiding.
- d. If the ticket was completed, but the member was unable to print the ticket, the member will first check for another available member to respond to their location to print the completed ticket.
- e. If the member is still unable to print the citation/summons the member will:
 - (1) Issue the individual the paper citation or summons.
 - (2) All paper citations/summons are required to be entered into Mobile Ticketing application within twelve (12) hours of issuance.
 - (3) Members entering a paper citation or summons into the Mobile Ticketing application will refer to the User Guides located on the department intranet.
 - (4) Void the original citation or summons. Members will refer to the "Citation/Summons Voiding Process" located within User Guides on the department intranet.

10. Traffic Analysis Data Collection (formerly Stop Report)

- a. Sworn members will utilize the Traffic Analysis Module in the Mobile Ticketing application for the collection of traffic analysis data.
- b. For further information refer to the User Guides located within the department intranet.

B. Custodial Arrest Process

- 1. Original municipal ordinance charges will be entered into Mobile Ticketing.
 - a. All local warrants, regardless of the bond amount, will be entered into the electronic booking system.
 - b. For further information refer to the User Guides located within the department intranet.
- 2. Provide a subpoena with a court date to all victims and witnesses.
- 3. The Traffic Analysis tab will be completed when applicable. For further information refer to the User Guides located within the department intranet.

4. Booking process
 - a. Sworn members will enter the arrestee's information into the electronic booking system.
 - b. Members will refer to User Guides located within the department intranet for booking requirements.

5. Intake Process
 - a. A Detention Officer (DO) will complete the intake process upon taking control of the arrestee from the sworn member.
 - b. DO's responsibilities include, but are not limited to:
 - (1) Searching
 - (2) Fingerprinting
 - (3) Photographing
 - (4) Inventorying the arrestee's property
 - (5) Completing specified data entry requirements within the electronic booking system.

6. Real Time Operators will be responsible for entry of court information and bond information into the Integrated Metropolitan Docket System (IMDS) Plus via Court Web.

7. Arrests with Disabilities/Americans with Disabilities Act (ADA)
 - a. When an arrest is made involving a disabled arrestee with significant needs the members will make every effort to cite and release the disabled arrestee.
 - b. In the event the disabled arrestee requires secure detention, contact the appropriate detention facility to properly or reasonably accommodate the needs of the disabled arrestee.
 - c. Field supervisors will ensure the sworn member provides the proper transportation for these disabled arrestees. Transportation accommodations may include police vehicles or an ATA bus.

C. Non-Custodial Arrest Process

1. The original municipal ordinance charges will be entered into the Mobile Ticketing application. For further information refer to User Guides located on the department intranet.

2. Minor traffic offenses

- a. If the members issue a citation, the member will **cite and release** individuals at the scene when the only charges are for municipal or county minor traffic violations.
- b. Members will refer to User Guides located within the department intranet for a list of the traffic offenses and the points chart.
- c. Municipal or county minor traffic violations include offenses that the Missouri Department of Revenue is authorized to assess zero (0) to four (4) points to a person's driver's record, but that do not include traffic violations involving:
 - (1) Accident or injury.
 - (2) Operation of a Commercial Motor Vehicle (CMV).
 - (3) Violations occurring in a construction zone.
 - (4) Violations occurring in a school zone.
 - (5) Exceeding the speed limit by more than 19 miles per hour.
- d. Members may only take individuals into custody for non-minor traffic offenses or any minor traffic offense that includes one or more of the five (5) listed criteria above.
- e. On a minor traffic violation, with an unidentified individual, members will transport the unidentified individual to the appropriate detention facility for identification and processing.
- f. Multiple citations may be issued for minor and non-minor traffic offenses, but for taking an individual into custody, at least one of the offenses must be greater than four (4) points or include one or more of the five (5) listed criteria above.
- g. If towing a vehicle, members should refer to the current written directive entitled, "Towing/Protective Custody of Vehicles and Contents."
- h. Members will notate in Mobile Ticketing when the violation involves an accident, injury, CMV, or occurs within a construction or school zone.
- i. Prior to being released, the arrestee will be given a copy of the citation/ summons.
- j. Provide a subpoena with a court date to all victims and witnesses.

- k. The Traffic Analysis tab will be completed when applicable. For further information refer to the User Guides located within the department intranet.

D. Unidentified Arrestees with Charges will:

1. No longer be transported to the Fingerprint Identification Section prior to being booked in at a detention facility.
2. Be taken directly to the appropriate detention facility and processed.

E. Citation/Summons Voiding Process

1. Members will contact a supervisor.
2. Members will refer to the User Guides located on the department intranet.

F. Service of Summons/Warrant Application Process

1. On Domestic Violence (DV) cases, the member will complete a warrant application as directed by Domestic Violence personnel.
2. On most non-DV cases, the member will mail a copy of the ticket to the suspect and the prosecutor will mail a service of summons.
3. For non-DV cases, if the member has reasonable grounds to believe that the suspect will not appear upon the summons or that the suspect poses a danger to the victim, the community, or any other person, the member may complete a warrant application.
4. Members will refer to the User Guides located on the department intranet.

G. Members will refer to the User Guides located on the department intranet for the following processes:

1. Bail Bond and Surety Recovery Agent(s) Early Surrender Process
2. Bonding Process
3. Warrant Application Recall

CUSTODIAL SEARCHES

A. General Search of Person Incident to Arrest

1. Sworn members conduct a search of the arrestee's person and/or an inventory of the arrestee's retained personal property for the following purposes, including but not limited to:
 - a. Identification of any item that could be used as a weapon or contraband to resist or effect escape.
 - b. Prevention of the destruction of evidence.
 - c. Documentation of the arrestee's personal property.
2. Sworn members will immediately search the arrestee's person at the time of arrest.
 - a. A search of the arrestee's person includes any clothes worn on their person at the time of the search. Clothes will include all inner and outer coverings worn on their person (e.g., pants, shirt, coat, hat, gloves, etc.).
 - b. Sworn members are advised to limit search activity to what is absolutely necessary, with minimal clothing movement in the area of the groin, breasts, or undergarments of the arrestee without probable cause to inspect further.
3. Sworn members may search the arrestee's personal property (e.g., purses, bags, backpacks, and the like) only if:
 - a. The property is within the arrestee's immediate control (i.e., area within the arrestee's reaching distance or wingspan in order to grab a weapon or evidentiary items), and one of these two factors exist:
 - (1) The sworn member reasonably believes the property being searched contains a weapon that the arrestee may gain possession of, **or**
 - (2) The sworn member reasonably believes the property being searched contains concealable or destructive evidence.
 - b. A search of arrestee's personal property includes all open or closed containers for the purpose of determining their content.
4. Custodial Arrestee's Inventory
 - a. Upon arrest, a cursory custodial arrestee's inventory will occur at the scene prior to transportation of the arrestee.

- b. A detailed custodial arrestee's inventory list will be conducted and documented at the detention facility in compliance with the current written directive entitled, "Prisoner's Personal Property Procedure."
- c. Sworn members may examine the physical aspects of any electronic device that stores data but **will not** search any digital data without a warrant, absent exigent circumstances.
- d. All property held for safekeeping will be documented on the appropriate forms.
- e. Contraband and other illegal substances will be recovered and processed according to the procedures described in the current written directive entitled, "Recovered Property Procedures."

B. Limited Search of Person Incident to Arrest

1. Strip Search

- a. Arrestee will not be subject to a strip search unless a supervisor/commander has authorized the search and there is probable cause to believe that the arrestee is concealing:
 - (1) A weapon, **or**
 - (2) There is evidence of the commission of a crime, **or**
 - (3) Contraband.
- b. The sworn member or Detention Officer (DO) conducting the search will be the same gender as the person being searched and will:
 - (1) Receive authorization from a supervisor/commander prior to conducting the search unless the threat of imminent danger precludes this requirement.
 - (2) Complete a Prisoner Search Form, Form 138 P.D.
 - (3) Obtain an original case report number for the Form 138 P.D. unless a number has previously been issued for a report relating to the arrest.
 - (4) Conduct the search at a location where the search cannot be observed by any person other than the person(s) physically conducting the search. A readily available person may be present at the request or consent of the arrestee being searched.
 - (5) Give a photocopy of the Form 138 P.D. to the arrestee who was searched.

2. Body Cavity Search

- a. An arrestee will not be subject to a body cavity search unless a supervisor/commander has authorized the search and there is probable cause to believe that the arrestee is concealing:
 - (1) A weapon, **or**
 - (2) There is evidence of the commission of a crime, **or**
 - (3) Contraband.
- b. The sworn member will obtain written authorization from the appropriate commander authorizing the request for the search warrant.
- c. The arrestee will be kept under close observation or isolation until a search warrant can be obtained.
- d. The arrestee will be transported to an appropriate medical facility where the search will be conducted.
- e. A body cavity search of any arrestee may only be conducted pursuant to a duly executed search warrant, under sanitary conditions, and by a physician, registered nurse, or practical nurse licensed to practice in Missouri.
- f. Exigent circumstances, such as the arrestee placing illegal narcotics or contraband into their mouth, does not require obtaining a search warrant as the probability of the arrestee swallowing the evidence requires the need for immediate action.
 - (1) Members may use minimal force to prevent an arrestee from swallowing narcotics or contraband. Minimal force may include but not limited to the following:
 - (a) Holding the arrestee's "Adam's apple" for a brief period of time.
 - (b) Holding the arrestee's head forward for a brief period of time.
 - (c) Pinching the arrestee's nose so the arrestee opens their mouth.
 - (d) Using a smelling salt wipe so the arrestee opens their mouth.
 - (2) Minimal force **does not** include the following:
 - (a) Placing a foreign object in the arrestee's mouth.
 - (b) Attempting to "pry open" the arrestee's mouth.

- (3) The arrestee's airway should never be cut off.
- (4) If an arrestee has swallowed narcotics or contraband, sworn members should refer to the current written directive entitled, "Ambulance Calls and Arrests Taken to Hospitals."

C. Search of Vehicle Incident to Arrest

1. A limited search of a vehicle incident to arrest is permitted when:
 - a. The arrestee is within reaching distance of a passenger compartment where a weapon may be located, **or**
 - b. There is probable cause to believe that the vehicle contains evidence relevant to the crime of arrest. A search subject to the crime of arrest can extend to any containers or other places in the vehicle where the object of the search may be found.
2. If a sworn member conducts a traffic stop on a vehicle for a traffic violation (non-custodial arrest), members should refer to the current written directive entitled, "Detaining & Questioning and Search & Seizure Procedures."
3. If a sworn member develops probable cause to search a vehicle independently of the crime of arrest for the driver or passenger, members should refer to the current written directive entitled, "Detaining & Questioning and Search & Seizure Procedures."
4. If the vehicle is to be towed, members will refer to the current written directive entitled, "Towing/Protective Custody of Vehicle and Contents."

D. Search of Premises Incident to Arrest

1. If a person is arrested inside a premise, sworn members may search the arrestee. The search will not extend beyond the area within the arrestee's immediate control.
2. Sworn members may conduct a protective sweep if a person is arrested in their residence and sworn members reasonably believe that other people are in the arrestee's residence that might:
 - a. Try to threaten the safety of the sworn members, **or**
 - b. Try to help the arrestee escape.
3. If the arrestee is arrested at their residence and wants to obtain an item to take with them, sworn members may use discretion and allow the arrestee to obtain such item(s). However; the sworn members must accompany the arrestee while they obtain such item(s).
4. The arrestee or other authorized third party may consent to the search of their residence. Members should refer to current written directive entitled, "Detaining & Questioning and Search & Seizure Procedures."

HANDCUFFING AND TRANSPORTING ARRESTS

A. Handcuffing

1. Persons under arrest will be handcuffed.
2. When a member places a person in handcuffs, the member will:
 - a. Check for tightness and double-lock the handcuffs.
 - b. Make every attempt to place handcuffs behind the arrestee's back.
 - (1) If the arrestee has a medical or physical condition that would preclude them from being handcuffed behind their back, they will be handcuffed (double-locked) in front, and a patrol wagon **will be used** for transport.
 - (2) Once the arrestee has been transported to the appropriate detention facility, the member will inform detention personnel that the arrestee is handcuffed in front and the reason for this action.
 - c. Not handcuff juveniles to adults, or males to females, even when in custody for the same incident.
 - d. Not handcuff an arrestee to any stationary object for an extended period of time.
 - e. Place the arrest on their side or in a seated position while awaiting transportation to the appropriate detention facility, once the arrestee is no longer a threat to the member or others.
 - f. Not handcuff and leg shackle an arrestee's hands and feet together (commonly referred to as hog-tying).
 - g. Maintain control of a handcuffed arrestee (i.e., proper forward or reverse escort) or place them in a position to prevent flight.

B. Transporting Arrests

1. Every arrest transported to a detention facility will be handcuffed and seat belted.
2. The transporting member will conduct a cursory custodial arrest inventory of the arrestee's property.
 - a. Members will refer to written directives entitled, "Prisoner's Personal Property Procedure" and "Recovered Property Procedure."
 - b. The transporting member has the final responsibility to thoroughly search the arrestee before transporting.

