

STURGEON CITY CODE

CHAPTER 3: CITY ADMINISTRATION

Article I: In General

Section 3.010 Personnel Regulation Policy.

This sub chapter cannot address every situation or answer every question regarding employment, but rather is an outline of the employment policies for the City. Interpretations regarding this policy are to be made by the Mayor, and those interpretations are final unless an employee desires to appeal such an interpretation to the Board of Aldermen.

These policies are designed to formally outline the rules, benefits, job classification and exemption status of employees. The provisions of this sub chapter may be modified as Federal and State laws change and as experience dictates. Therefore the Mayor and the Board of Aldermen reserve the right to modify the contents of this sub chapter at any time.

The City of Sturgeon is an equal opportunity employer. All employment-based decisions will be made on job qualifications and job needs alone.

The City of Sturgeon will not tolerate any harassment, sexual or racial harassment in any form.

The City of Sturgeon's goal is to comply fully with Americans with Disabilities Act of 1990 (ADA). The ADA makes it unlawful to discriminate in employment against a qualified individual with a disability.

(Ord. 718, Sec 1, Approved and Effective March 29, 2010)

Section 3.020 Employee Classifications.

Executive, administrative and professional employees are salaried positions and are exempt from overtime requirements of the Fair Labor Standards Acts.

Those employees who do not meet the exemption tests under the Fair Labor Standards Acts are considered non-exempt and are paid 1 ½ times their regular rate of pay for any overtime hours, based on an hourly rate. Non-Exempt may be either salaried or hourly positions.

1. An employee is considered "full-time" if he/she works 30 - 40 hours per week.
2. An employee is considered "part-time" if he/she works consistently less than 30 hours per week.
3. Temporary/Seasonal employees are those that are hired for a pre-determined period of time.
4. Except where noted, the policies in this handbook apply to all employees regardless of employment status.

(Ord. 718, Sec 2, Approved and Effective March 29, 2010)

Section 3.030 Personnel Records and Changes.

The City of Sturgeon recognizes and values every employee's right to privacy

1. A personnel file is used for retaining all personnel and training related documents for each employee.

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There are legal requirements for employers to record and maintain certain information related to employment with the City of Sturgeon. These records are the city's property and will remain permanently in the City's files. They may not under any circumstance be removed from the city's premises.

2. An employee's file is created upon hire and is kept current at all times. Employees may have access to review their personnel files.

(Ord. 718, Sec 3, Approved and Effective March 29, 2010)

Section 3.040 Holidays.

The City of Sturgeon recognizes the following 8 holidays:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day (2 days)
- Christmas Day

**Note: The Mayor may designate other days as "Holiday" with approval from the Board of Aldermen.*

If a holiday falls on a Saturday, the preceding Friday will be taken as a holiday, when a holiday falls on a Sunday, the following Monday will be taken off.

(Ord. 718, Sec 4, Subsection 1, Approved and Effective March 29, 2010)

Section 3.050 Holiday, Vacation & Sick Time.

1. Employees who regularly work 30 - 40 hours or more per week are eligible for holiday, vacation and sick benefits.

2. Employees can take Vacation and Sick Time after they have completed a 90-day probationary period. After the 90 days has been met, vacation and sick leave will accrue from the first date of employment.

3. Employees earn 2 Personal Days per year.

The following schedule will apply:

Length of Service	Vacation Time	Sick Time	Personal Time
1 - 9 Years	2 Wks	5 days	2 days
10 - 19 Years	3 Wks	5 days	2 days
20 and over Years	4 Wks	5 days	2 days

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Length of Service	Vacation Time Per Pay Period	Sick Time Per Pay Period	Personal Time Per Pay Period
1 - 9 Years	3.08	1.5	.61
10 - 19 Years	4.62	1.5	.61
20 and over Years	6.15	1.5	.61

**Effective 2/25/02: sick leave accrual was increased to 480 hours (60 days)*

**No more than 200 hours of Vacation time may be accrued.*

**Personal days must be used within the fiscal calendar year. (July 1 - June 30)*

(Ord. 718, Sec 4, Subsection 2, Approved and Effective March 29, 2010)

Section 3.060 Jury Leave/Duty.

The City of Sturgeon will cooperate fully with state and federal courts in allowing its employees to serve on juries without any financial loss.

Any employee serving on jury duty will be compensated his/her regular pay for the days served; less any amount received from the courts for such duty.

(Ord. 718, Sec 4, Subsection 3, Approved and Effective March 29, 2010)

Section 3.070 Health Insurance.

Health insurance is offered to each employee. The city pays 80% of the employee's premium. Employees are responsible for the 20% and any additional coverage on spouse or children. The 20% is withheld on a pay period basis.

An employee has 30 days from date of hire to either enroll or waive coverage.

(Ord. 718, Sec 4, Subsection 4, Approved and Effective March 29, 2010)

Section 3.080 Bereavement.

Full time employees will receive up to three days of bereavement leave with pay due to the death of: Spouse, natural-born or adopted children, brothers and sisters, parents and parents-in-laws. Leave taken beyond the three days may be taken as vacation, personal or comp time. At the Mayor's discretion additional paid leave may be granted.

(Ord. 718, Sec 4, Subsection 5, Approved and Effective March 29, 2010)

Section 3.090 Military Leave.

Employees are entitled to Military Leave to the extent required by Federal law. Military Leave is not compensated, except that the employee will be paid in accordance with RSMo Section 105.270.

(Ord. 718, Sec 4, Subsection 6, Approved and Effective March 29, 2010)

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Section 3.100 Medical & Family Leave.

Employees are entitled to Medical & Family Leave as provided by Federal law. This leave is not compensated, and employees are expected to pay the full cost of their health insurance during a period of Medical or Family Leave.

(Ord. 718, Sec 4, Subsection 7, Approved and Effective March 29, 2010)

Section 3.110 Compensation.

Paychecks are distributed on the Wednesday after a pay period ends. Pay periods are two weeks in length from Sunday – Saturday.

(Ord. 718, Sec 4, Subsection 8, Approved and Effective March 29, 2010)

Section 3.120 Deductions.

1. Social Security Tax (FICA)
2. Medicare
3. Federal Income Tax
4. State Income Tax
5. Health Insurance

All employees must complete a Federal Withholding Allowance Certificate (IRS Form W-4) on or before his/her first date of employment. The form must be completed in accordance with federal regulations. An employee may complete a new form when circumstances change.

All employees will receive an annual Wage and Tax Statement (IRS Form W-2) for the preceding Year on or before January 31.

All employees must complete a Federal Immigration Status Form (Form I-9) on or before his/her first date of employment. The City will investigate the accuracy of the information provided on that form using the Federal E-verify web site and other information it might have available to it.

(Ord. 718, Sec 4, Subsection 9, Approved and Effective March 29, 2010)

Section 3.130 Time Sheets.

Each employee is responsible for completing a time sheet and turning them in on a bi-weekly basis. The time sheet should show all time off (holiday, vacation, sick and personal) as well as all hours worked.

(Ord. 718, Sec 4, Subsection 10, Approved and Effective March 29, 2010)

Section 3.140 Overtime.

Currently the City of Sturgeon does not allow for any overtime due to budgeting purposes. Each employee will see that all work is completed within a 40 hour* week.

It is however, unreasonable to expect that overtime will not occur due to absence of an employee, a heavier than normal work load or other circumstances that cause excess hours. With that in mind the City of Sturgeon will allow for “comp time” to be taken in lieu of monetary reimbursement.

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1. When excess hours occur in one week the employee will make every attempt to cut back in “actual hours worked” during the following week and add the excess hours to total a 40 hour* week. *Keep in mind that excess hours do not occur when vacation, sick or personal time are used in a pay period.*

2. In the event that excess hours cannot be used during the current pay period the City of Sturgeon will allow each employee to carry **20** “comp time” hours (equivalent to 30 hours time off) for a period no longer than the quarter in which the excess hours occurred.

3. Excess hours will not carry over.

4. Excess hours are equivalent to 1 ½ “comp time”

**The city council and mayor will review certain exceptions. There may be times when special consideration may have to be taken in the event of a department being short staffed or seasonal work such as plowing snow in the winter.*

(Ord. 718, Sec 4, Subsection 11, Approved and Effective March 29, 2010)

Section 3.150 Breaks.

1. The standard workday for the City of Sturgeon is eight hours.
2. The standard workweek is five days or 40 hours.
3. The City of Sturgeon provides a paid fifteen-minute rest period for each four hours of scheduled work.

(Ord. 718, Sec 4, Subsection 12, Approved and Effective March 29, 2010)

Section 3.160 Office Hours.

The office is to remain open from:

1. 7:00 AM to 3:00 PM - Monday through Thursday
2. 7:00 AM to 6:00 PM - Friday
3. Closed Saturday & Sunday

For most, the office will remain open during the lunch period.
Maintenance employees take a 30-minute lunch break.

(Ord. 718, Sec 4, Subsection 13, Approved and Effective March 29, 2010)

Section 3.170 Workers Compensation.

All City of Sturgeon employees are insured in the event of a job related injury or accident consistent with state laws. This benefit applies to all medical bills resulting from a job related injury or accident.

The City of Sturgeon's paid days off benefits are integrated with worker's compensation benefits; therefore you will not receive both worker's compensation and your full time salary at the same time.

The City of Sturgeon pays for this coverage. It is the employee's responsibility to report every accident within 24 hours of the job-related injury.

(Ord. 718, Sec 4, Subsection 14, Approved and Effective March 29, 2010)

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Section 3.180 Personal Appearance.

The City of Sturgeon does not enforce a strict dress code policy. Each employee however should maintain a neat and clean appearance at all times and dress accordingly to his or her position.

(Ord. 718, Sec 5, Approved and Effective March 29, 2010)

Section 3.190 City of Sturgeon Vehicles.

The City's vehicles are to be driven only by designated employees. Each employee must always carry with them a valid driver's license and maintain an infraction-free driving record. Proof of Insurance provided by the City must be kept within each vehicle. In the event of an accident, obtain names, addresses and phone numbers of witnesses along with a written description of what happened on an accident report if possible. Do not under any circumstances leave the scene of an accident involving a city vehicle.

(Ord. 718, Sec 6, Approved and Effective March 29, 2010)

Section 3.200 Attendance.

In the event that you must be absent, you are responsible for notifying the office.

1. Office Help - Notify the other office employee or the Mayor.
2. Police Officers - Notify the Police Chief, the Office Help or the Mayor.
3. Maintenance - Notify the Office Help.

If you are unable to speak with one of the above, please call the office and leave a message on the answering machine or leave a note at the office.

Not calling or reporting for work will be subject to disciplinary action, including termination.

Missing three consecutive days without proper notification will be considered a voluntary termination.

(Ord. 718, Sec 7, Approved and Effective March 29, 2010)

Section 3.210 Termination of Employment.

The City of Sturgeon enters into employment relationships by mutual consent and for mutual benefit. Either you or the city may terminate the employment relationship at any time and for any reason that is deemed appropriate by either party.

If you should decide to resign, you are asked to notify the mayor and/or an alderman with a dated signed written statement at least two weeks prior to your planned departure date.

Disciplinary action may be taken when necessary for the performance, behavior or any other work related problem that an employee exhibits. The disciplinary action may vary according to the circumstances involved. The city will follow a disciplinary plan of verbal and written warnings for "each" incident at the discretion of the immediate supervisor.

The types of behavior which are grounds for disciplinary action, including termination, include but are not

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limited to those listed below:

1. Inability to perform job in relation to requirements of the position.
2. Attendance problems.
3. Failure to obtain/maintain required license, registration or certification.
4. Falsification of employment application.
5. Willful destruction of City property.
6. Sexual/Racial harassment.
7. Insubordination or refusal to follow instructions.
8. Acts of physical violence.
9. Disruption of the workplace, its productivity or its financial integrity.

This list is provided as a general guideline for illustrative purposes and does not restrict the City's ability to discipline or discharge employees for any reason it deems appropriate.

If you voluntarily resign you will be paid for the hours from your last pay period to your last date worked. You will also be paid for your vacation, personal and comp time. Unused Sick Time will be lost.

If you are terminated, you will be paid for the hours from your last pay period to the date of termination. You will be paid for any unused vacation, personal and comp time that has accrued. Unused Sick Time will be lost.

(Ord. 718, Sec 8, Approved and Effective March 29, 2010)

Section 3.220 Employee Acknowledgment/Agreement.

Each employee will read and sign an acknowledgment letter upon acceptance of employment with the City of Sturgeon.

(Ord. 718, Sec 9, Approved and Effective March 29, 2010)

Article II: Police Force

Section 3.300 Chief of Police, Appointment, Duties, Qualifications.

There is hereby created the office of Chief of Police. This office shall be filled by a person appointed by the Mayor with the consent and approval of a majority of the members of the Board of Aldermen. The person appointed to this office and approved by the Board of Aldermen shall be at least twenty-one years of age, a citizen of the United States and of good moral character. The Chief of Police shall serve at the pleasure of the Mayor and the Board of Aldermen. The salary of the Chief of Police shall be such as the Board of Aldermen may, from time to time, fix by ordinance. The Mayor may, with the consent of a majority of all members elected to the Board of Aldermen, remove the Chief of Police from office, and the Chief of Police may be so removed by a two-thirds vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation. The Chief of Police may resign his/her position by giving thirty days notice, in writing, to the Board of Aldermen of his/her intention to so resign and by surrendering all property in his/her possession belonging to the City of Sturgeon, Missouri, and his/her commission.

The Chief of Police shall have general supervisory control over the Police Department and shall enforce discipline among the members of the Police Department and shall be responsible for the instruction of the members of the Police Department in their duties, subject to the advice and consent of the Board of Aldermen. The Chief of Police shall be an active member of the Police Department and shall have in addition such duties and powers as are in this section defined and those of the other members of the department, in this code set forth. The Chief of Police shall exercise a supervisory control over the City holding facility, keeping a register of all persons held therein, by whom, for what offense, when committed and when and by what authority discharged. He/she shall take care that all persons held in the City holding facility are provided with necessary food and kept without danger from the cold and that they are in

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all respects humanely treated, and that females are kept in places separate from males. The Chief of Police shall safely keep all money or property coming into his/her hands in consequence of the arrest of any person charged with crime or ordinance violation. The Chief of Police shall, subject to the advice and consent of the Board of Aldermen, have a general supervision over all City property assigned to the Police Department and he/she and other members of the Police Force shall have authority to arrest any trespasser upon any City owned property and to remove or abate nuisances or encumbrances put thereon without the authority of the City. The Chief of Police shall compile an account of all money collected by him/her or members of the Police Force and shall report the same to the City Collector and shall pay over to the City Collector all money collected by him/her, or members of the Police Force as fees, fines or from other sources unless other disposition shall have been provided by law or ordinance.

(Ord. 302, Sec. 2, Approved and Effective April 2, 1969. ; Ord. 740, Sec. 1, Approved and Effective May 25, 2011.)

Section 3.310 Size of Police Force, Appointment, Terms, Qualifications.

The Police Force of the City of Sturgeon, Missouri, shall be in such number as the Mayor and Board of Aldermen may see fit to appoint and approve. To be qualified to receive appointment as a police officer, the person must be at least twenty-one years of age, a citizen of the United States and of good moral character. Each police officer shall be appointed by the Mayor with the consent and approval of a majority of the members of the Board of Aldermen. An officer of the Police Force shall serve at the pleasure of the Mayor and the Board of Aldermen. Any such police officer so appointed may be removed by the Mayor with the consent of a majority of all members elected to the Board of Aldermen, and any such police officer may be removed by a two-thirds vote of all members elected to the Board of Aldermen independently of the Mayor's approval or recommendation. Any such police officer so appointed may resign his/her position by giving thirty days notice, in writing, to the Board of Aldermen of his/her intention to so resign and by surrendering all property in his/her possession, belonging to the City of Sturgeon, Missouri, and his/her commission. Each such police officer so appointed and qualified shall have power to serve and execute all warrants, subpoenas, writs or other process, and to make arrests in the same manner as the Chief of Police.

The Chief of Police and police officers shall be conservators of the peace, and shall be active and vigilant in the preservation of good order within the City of Sturgeon, Missouri.

(Ord. 302, Sec. 1, Approved and Effective April 22, 1969. ; Ord. 740, Sec. 2, Approved and Effective May 25, 2011.)

Section 3.320 Composition and Organization.

1. From the members of the Police Force appointed by the Board of Aldermen, the Board of Aldermen may appoint one or more lieutenants and may appoint one or more sergeants. All others appointed shall carry the rank of patrolman. The Board of Aldermen may designate one of the lieutenants, sergeants or a patrolman as Deputy Chief of Police. In the absence of the Chief of Police or if there is a vacancy in the office of Chief of Police, the Deputy Chief of Police shall have all the powers and duties of the Chief of Police.
2. A member of the Police Force appointed as a lieutenant or a sergeant shall have the following additional responsibilities and duties:
 - (1) Immediate supervision of all reserve police officers of the Police Department.
 - (2) Overseeing training of all new police offers of the Police Department, including all new reserve police officers.

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(3) Other duties as assigned by the Chief of Police.

(Ord. 820, Sec. 1, Approved and Effective August 25, 2014, amended; Ord. 302, Sec. 3, Approved and Effective April 2, 1969.)

Section 3.330 Salaries.

The members appointed to the Police Force shall receive for their services such compensation as the Board of Aldermen shall determine at the time of their appointment.

(Ord. 302, Sec. 4, Approved and Effective April 2, 1969; Ord. 740, Sec. 3, Approved and Effective May 25, 2011.)

Section 3.340 Duties of Members of Police Force, Generally.

It shall be the duty of each member of the Police Force to obey punctually the orders of the Chief of Police and all members thereof shall, to the best of their ability, preserve order, peace and quiet, throughout the City, and

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upon their failure or refusal to do so, it shall be the duty of the Chief of Police to so inform the Board of Aldermen.

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(Ord. 302, Sec. 5, Approved and Effective April 2, 1969.)

Section 3.350 Uniforms.

The dress of the Chief of Police and the other members of the Police Force shall be uniform except for insignia.

(Ord. 302, Sec. 6, Approved and Effective April 2, 1969.)

Section 3.360 Powers to Serve Process.

The Chief of Police and other members of the Police Force shall have the authority and power to serve and execute all warrants, subpoenas, writs, notices or other process issued by the Police Judge, Board of Aldermen or other officers having authority to issue the same, at any place within the limits of Boone County, Missouri, and make return thereof according to law or code. Their authority beyond the limits of the county shall be such as is provided by state law.

(Ord. 302, Sec. 7, Approved and Effective April 2, 1969.)

Section 3.370 Duty to Report Violations.

It shall be the duty of the Chief of Police and the other members of the Police Force to report to the City Attorney, for prosecution, all persons who shall violate any codes of the City of Sturgeon, Missouri, and all information and facts coming to their knowledge having reference thereto.

(Ord. 302, Sec. 8, Approved and Effective April 2, 1969.)

Section 3.380 Police Right of Entry.

The Chief of Police or any member of the Police Force may enter any house, store, other building, enclosure, or into or upon any premises where any felon is harbored or secreted, or where persons in their hearing or presence have committed a breach of the peace, or where any felony or breach of the peace is about to be committed, or where any alarm, noise, outcry or other disturbance shall be made, and arrest offender.

(Ord. 302, Sec. 9, Approved and Effective April 2, 1969.)

Section 3.390 Arrest, With and Without Warrant.

The Chief of Police and members of the Police Force shall have power at all times to make or order an arrest with proper process for any offense against the codes of the City of Sturgeon, Missouri, or the law of the state of Missouri. These officers shall also have power to make arrest without process in all cases in which any offense against an code of the City or any law of the State of Missouri shall be committed in their presence, or in all cases where the person to be arrested is suspected of having committed a felony.

(Ord. 302, Sec. 10, Approved and Effective April 2, 1969.)

Section 3.400 Procedure upon Arrest, Holding of Prisoner.

Any person arrested as in the codes of the City of Sturgeon, Missouri, provided shall be immediately conveyed to the City or County Jail, and the Chief of Police and members of the Police Force shall have authority and power to keep the offender in the City or County Jail or other place to prevent his/hers escape until a trial can be had

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before the proper court. Unless such offender shall give a good and sufficient bond for his/hers release, he/she shall be held until his/hers appearance for trial.

Whenever any person shall have been arrested under the provisions of this code or any other law or code, it shall be the duty of the Chief of Police or other arresting officer forthwith to take or cause him/her to be taken before the Police Judge or other proper officer, after complaint duly made and filed as provided by code, to be dealt with according to law or code; provided, however, that when an arrest shall be made in the nighttime or on Sunday, or on any legal holiday, or the person arrested shall be in a state of intoxication, then it shall be the duty of the Chief of Police and members of the Police Force to convey such person to the City Jail, there to remain until the following day, or until he/she shall have perfectly sobered, when he/she shall be brought before the Police Judge, as aforesaid. In all cases, the accused shall be advised of his/hers rights and the nature of the charge against him/her, and shall be permitted to phone or request an Attorney of his/hers choice.

(Ord. 302, Sec. 11, Approved and Effective April 2, 1969.)

Section 3.410 Prisoners May be Searched.

The Police Judge who shall commit any person to Jail for the violation of this code or any other code of the City of Sturgeon, Missouri, may cause such person to be searched for the purpose of discovering any money or property he/she may have. If any be found, it shall be taken possession of by the Chief of Police, and by order of the Police Judge may be applied to the support of such person while in confinement, and to the satisfaction of any judgment for non-payment of fine and costs which may be against him/her and on account of which he/she is imprisoned.

(Ord. 302, Sec. 12, Approved and Effective April 2, 1969.)

Section 3.420 Duties of Policemen to Police Court.

The Chief of Police and members of the Police Force shall serve as officers of the police court and enforce its orders, judgments and decrees.

(Ord. 302, Sec. 13, Approved and Effective April 2, 1969.)

Section 3.430 Chief of Police to Attend Meetings of Board.

That the Chief of Police shall attend all meetings of the Board of Aldermen in person or by Deputy, serve all notice, execute all process required by code or authorized by the laws of the State of Missouri, and attend to all legal matters with which he/she may by general law or code be entrusted as an officer of the law within and for the City.

(Ord. 302, Sec. 14, Approved and Effective April 2, 1969.)

Section 3.440 Reports to Board.

That it shall be the duty of the Chief of Police or person exercising the duties of the Chief of Police to submit a monthly report to the Board of Aldermen at its regular monthly meeting of all work done and duties performed by the entire Police Force for the preceding month with a duplicate deposit slip attached for all money deposited with the Treasurer, and a full and detailed report of all fines or other moneys collected.

(Ord. 302, Sec. 15, Approved and Effective April 2, 1969.)

Section 3.450 Special Police Appointment.

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There is hereby created the position of Reserve Police Officer. A reserve police officer is a member of the Police Force of the City of Sturgeon, Missouri. The purpose of having one or more Reserve Police Officers is to supplement the Police Force of the City of Sturgeon, Missouri by providing added manpower, on a regular or predetermined basis, as needed. Each Reserve Police Officer shall be appointed by the Chief of Police of the City of Sturgeon, Missouri with the consent and approval of a majority of all the members elected to the Board of Aldermen. A Reserve Police Officer shall serve at the pleasure of the Chief of Police. Any such Reserve Police Officer so appointed may be disciplined or removed by the Chief of Police alone, or may be disciplined or removed by the Mayor with the consent of a majority of all members elected to the Board of Aldermen. Any such Reserve Police Officer so appointed and approved shall have power to serve and execute all warrants, subpoenas, writs or other process, and to make arrests in the same manner as any Police Officer of the City of Sturgeon, Missouri. A Reserve Police Officer is not an employee of the City of Sturgeon, Missouri but shall have all the same powers, duties and responsibilities as any Police Officer. Although a Reserve Police Officer is not an employee of the City of Sturgeon, Missouri, the City of Sturgeon, Missouri will represent and defend a Reserve Police Officer in any legal action should any litigation result from actions taken or not taken by a Reserve Police Officer while on duty.

(Ord. 780, Sec. 1, Approved and Effective November 26, 2012; Ord. 778, Sec. 1, Approved and Effective November 26, 2012, Repealed.; Ord. 263, Sec. 1, Approved and Effective June 27, 1964.)

Section 3.460 Qualifications and Oath.

(Ord. 778, Sec. 1, Approved and Effective November 26, 2012, Repealed.; Ord. 263, Sec. 2, Approved and Effective June 27, 1964.)

Section 3.470 Duties and Powers of Special Police Officers.

(Ord. 778, Sec. 1, Approved and Effective November 26, 2012, Repealed.; Ord. 263, Sec. 4, Approved and Effective June 27, 1964.)

Section 3.480 Appendix 1 – General Orders Manual (See pages 16 – 72)

(Ord. 780, Sec. 2, Approved and Effective November 26, 2012;)

Article III: City Attorney

Section 3.500 Vacancy.

That in the event of a vacancy in the office of City Attorney because of resignation or other reason, the Mayor with the consent and approval of the majority of the members of the Board of Aldermen, shall appoint for employment special counsel, who need not be a resident of the City of Sturgeon to represent the City and to act as City Attorney in all appropriate matters involving this City.

(Ord. 271, Sec. 1, Approved and Effective July 26, 1965.)

Section 3.510 Compensation of Special Counsel.

That such appointed and approved Special Counsel shall be paid reasonable compensation for his/hers services at such rates and in such amounts as shall be agreed upon by the Board of Aldermen and such Special

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Counsel, the same to be fully set out in the minutes of the Board of Aldermen. Such Special Counsel shall not be entitled to receive any other fee or fees, for his/hers services as such as may be provided in prior codes of this City.

(Ord. 271, Sec. 2, Approved and Effective July 26, 1965.)

Section 3.520 Above Compensation Exclusive.

All fees authorized to the City Attorney by prior code of this City shall he/she after be payable to the City of Sturgeon as reimbursement to the City for the compensation of such Special Counsel as he/she hereinabove provided. No such City Attorney's fees or costs shall be assessed against any defendant as provided by prior codes, unless such Special Counsel shall be personally present and represent the City of Sturgeon in such proceedings against such defendant.

(Ord. 271, Sec. 3, Approved and Effective July 26, 1965.)

Article IV: Emergency Management and Civil Defense

Section 3.600 Emergency Management Director.

There is hereby created the position of Emergency Management Director, to act on behalf of the City, under the direction of the Board of Aldermen, in the management of emergencies, including cooperation with City, State and federal agents and agencies, as well as private entities, utilizing all available resources to protect the citizens of the City from the effects of various kinds of emergencies that may, from time-to-time, arise, and to provide emergency relief services when such events occur. The individual to occupy such position shall be appointed by the Board of Aldermen upon terms and conditions to be established, and from time-to-time amended, by the Board of Aldermen.

(Ord. 548, Effective November 25, 1996, New)

Section 3.610 Establishment of Civil Defense Organization.

There is hereby created the local municipal organization for the preparation and the carrying out of all the emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack in accordance with "The Missouri Civil Defense Act of 1959".

The organization shall consist of a Director and other additional members to be selected by the Director in order to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Survival Plan.

(Ord. 251, Sec. 1, Approved and Effective March 26, 1962.)

Section 3.620 Director of Civil Defense.

The Director of the municipal organization for the conduct of emergency operations may be appointed by the Mayor and approved by the Board of Aldermen and shall serve until removed by the same. Removal may be by a vote of a majority of the Board of Aldermen favoring same.

The Director shall have such responsibilities for the organization, administration, and operation of this organization as is delegated by the Chief Executive Officer subject to the direction and control of the Mayor and the Board of Aldermen as provided by statute.

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The Chief Executive Officer shall be defined for purposes of this act to mean the Mayor or other official appointed by the Board of Aldermen or elected by the public to administer the City government and adopt its operation.

(Ord. 251, Sec. 2, Approved and Effective March 26, 1962.)

Section 3.630 Functions.

1. The municipal organization shall perform such civil defense functions within the municipality as shall be prescribed in and by the State Civil Defense Plan and Program prepared by the Governor, and such orders, rules, and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided by the "Missouri Civil Defense Act of 1959" or the State Survival Plan (Revised December 1961).

2. To appoint, provide, without compensation, or remove any personnel needed by the organization for the proper function of its duties.

(Ord. 251, Sec. 3, Approved and Effective March 26, 1962.)

Section 3.640 Mobile Support Units.

The Director shall form mobile support units as provided for in the "Missouri Civil Defense Act of 1959" and the State Survival Plan as revised in December, 1961, and shall designate the leaders thereof. Any member of a mobile support team who is a municipal employee or officer while serving on call to duty by the Governor, or the State Director of Civil Defense, shall receive the compensation and have the powers, duty, rights, and immunities incident to such employment or office.

(Ord. 251, Sec. 4, Approved and Effective March 26, 1962.)

Section 3.650 Mutual Aid Arrangements.

The Executive Officer of any political subdivision, with the approval of the Governor, may enter into mutual aid arrangements or agreements with other public and private agencies within and without the State for reciprocal civil defense aid. Such arrangements or agreements shall be consistent with the State survival plan, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements or agreements. the Director of each local organization for civil defense may assist in negotiation or reciprocal mutual-aid agreements between his/hers organization and other public or private agencies and between the Governor and the adjoining States or political subdivision thereof, and shall carry out arrangements or agreements relating to the local unit.

(Ord. 251, Sec. 5, Approved and Effective March 26, 1962.)

Section 3.660 Carrying out Emergency Powers.

In carrying out the emergency powers under the provisions of this law, the Governor and the executive officers or governing bodies of the political subdivisions of the State are directed to use the services, equipment, supplies and facilities or existing departments, offices and agencies of the State and of the political subdivisions, and the officers and personnel of all such department's offices and agencies are directed to cooperate with and extend such services and facilities to the Governor and the Missouri Civil Defense Agency upon request.

(Ord. 251, Sec. 6, Approved and Effective March 26, 1962.)

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Section 3.670 Offer of Equipment.

Whenever the Federal Government or State Government, or officer or agency thereof shall offer to the State, or through the State material or funds by way of gift, grant or loan, for the purpose of civil defense, the State acting through the Governor, or the political subdivision, acting with the consent of the Governor and through its Executive Officer, may accept such offer and upon acceptance the Governor or Executive Officer of the political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials or funds on behalf of the State or the political subdivision subject to the terms of the offer.

(Ord. 251, Sec. 7, Approved and Effective March 26, 1962.)

Section 3.680 Emergency Action by Directors.

In the event of an emergency as defined in the "Missouri Civil Defense Act of 1959", the municipal Director of civil defense is authorized on behalf of the municipality, to procure such services, supplies, equipment, or material as may be necessary for such purposes, in view of the exigency, without regard to the statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations as authorized by the "Missouri Civil Defense Act of 1959", provided that if the Board of Aldermen meets at such time, he/she shall act subject to the directions and restrictions imposed by that body.

(Ord. 251, Sec. 8; Approved and Effective March 26, 1962.)

Section 3.690 Mayor May Waive Formalities.

In the event of enemy attack, the Mayor may waive any time consuming procedures and formalities otherwise required by statute pertaining to the advertisement for bids for the performance of public work or entering into contracts.

(Ord. 251, Sec. 9, Approved and Effective March 26, 1962.)

Section 3.700 Oath.

Every person appointed to serve in any capacity in the municipal civil defense organization shall, before entering upon his/hers duties, subscribe to the following oath, which shall be filed with the Director:

"I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Missouri and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been, a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence; and that during such time as I am affiliated with the Municipal Civil Defense Organization, I will not advocate nor become a member of any political party or organization that advocated the overthrow of the government of the United States or of this State by force or violence."

(Ord. 251, Sec. 10, Approved and Effective March 26, 1962.)

Section 3.710 Office.

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The Mayor is authorized to designate space in any municipally owned or leased building for the Municipal Civil Defense Organization as its office.

(Ord. 251, Sec. 11, Approved and Effective March 26, 1962.)

Article V: Municipal Court

Section 3.800 Electing to have Associate Circuit Judge hear Municipal Cases

Associate Circuit Judges of the Thirteenth Judicial Circuit shall be, and are, authorized to hear and decide City Municipal Court cases.

(Ord. 671, Sec. 1, Approved and Effective September 24, 2007)

Section 3.810 Court Costs in Alcohol and Drug-Related Traffic Offense Cases.

Upon a plea of guilty, finding of guilt or conviction for violation of the codes defining and prohibiting alcohol or drug related traffic offenses, the court may, in addition to imposition of any other penalties provided by law, order the person to reimburse law enforcement authorities for the costs associated with such arrest.

Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical tests to determine the alcohol or drug content of the person's blood, and the cost of processing, charging, booking and holding such person in custody.

Law enforcement authorities may establish a schedule of such costs for submission to the court; however, the court may order the costs reduced if it determines that the schedule of costs is excessive given the circumstances of the case or for good cause shown.

Such fees shall be calculated as additional costs by the Municipal Court and shall be collected by the court in the same manner as other costs and fees are collected and remitted to the City Treasurer.

The City Treasurer shall retain such fees in a separate fund known as the "DWI/Drug Enforcement Fund." Monies within the DWI/Drug Enforcement Fund shall be appropriated by the Board of Aldermen to law enforcement authorities from such fund in amounts equal to those costs so incurred and shall be specifically used to enhance and support the enforcement and prosecution of alcohol and drug related traffic laws within the City.

(Ord. 503, Sec. 1 through Sec. 5, Approved and Effective September 17, 1992)

Section 3.820 Surcharge to Court Costs for Training of Law Enforcement Officers.

The official of the Municipal Court of the City of Sturgeon, responsible for collecting court costs and fines may assess a surcharge (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.120), in addition to all other court costs, for each court proceeding filed for violations of the codes of the City of Sturgeon, provided that no such fee shall be collected for non-moving traffic violations, and no such fee shall be collected for violations of fish and game regulations, and no such fee shall be collected in any proceeding in such court when the proceeding or defendant has been dismissed by the court.

(Ord. 395, Sec. 1, Approved and Effective October 23, 1978.)

Section 3.830 Additional Municipal Court Costs.

The Municipal Court is hereby authorized to assess a fee (For current rates see Chapter 25 - Deposits, Fees &

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Charges, Section 25.130), or other maximum authorized by the statutes of the State of Missouri, as costs in each court proceeding wherein the defendant shall be convicted for violation of the codes of the City of Sturgeon, Missouri, except non-moving traffic violations.

An additional fee (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.130) may be assessed at costs as authorized by Missouri State statute, and sent to the State Treasury to the credit of the Peace Officer Standards and Training Commission fund created by statute.

The fees provided for in Sections 1 and 2 of this code shall be in addition to the court costs and fees and limits on such court costs and fees established by Section 66.110, R.S. Mo., and Section 479.260, R.S. Mo.

The City shall use the funds received under this code as authorized by State statutes.

(Ord. 516, Approved and Effective December 27, 1993.)

Article VI : Other City Officials

Section 3.900 Board of Aldermen Electing City Clerk for One Year Term; City Clerk to Keep Journal and Other Records.

1. The Board of Aldermen shall elect a City Clerk at a meeting of the Board of Aldermen after each annual municipal election in April of each year, who shall hold office for a one year term and until his/her successor is elected and qualified, unless sooner removed for cause shown by the Mayor and Board of Aldermen or the Board of Aldermen. The City Clerk shall be at least twenty-one years of age, a qualified voter of the City and shall have resided in this City for at least one year prior to his/her election by the Board of Aldermen to be eligible for such office.

2. Among other duties, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. The City Clerk shall safely and properly keep all the records and papers belonging to the City of Sturgeon, Missouri which may be entrusted to his/her care; he/she shall be the general accountant of the City of Sturgeon, Missouri.

(Ord. 741, Sec 1, Approved and Effective May 25, 2011, New)

Section 3.910 Board of Aldermen Electing Mayor Pro Tempore for One Year Term.

The Board of Aldermen shall elect one of their own number who shall be styled "*acting president of the Board of Aldermen*" and who shall serve for a term of one year. The acting president of the Board of Aldermen may also be known as "*Mayor Pro Tempore*."

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify or from any other cause whatever, or when the mayor is temporarily absent, the acting president of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy is filled or such disability is removed; or, in case of temporary absence, until the Mayor's return.

(Ord. 741, Sec 2, Approved and Effective May 25, 2011, New)

APPENDIX 1

General Orders Manual
For the City of Sturgeon – Police Department

Effective October 16, 2002

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STURGEON POLICE DEPARTMENT GENERAL ORDERS MANUAL

1. The General Orders Manual primarily contains procedures established to facilitate the effective delivery of law enforcement services. In addition, it also contains regulations, guidelines, directives and some policies not found in the Policy Manual or policies that either require amplification or are of such paramount importance that they bear repeating.
2. Each member of the Sturgeon Police Department is responsible for keeping his or her manual up-to-date and for knowing, maintaining and carrying out the provisions of all General Orders.
3. The General Orders Manual is the property of the Sturgeon Police Department and must be returned when a staff member terminates employment with the City of Sturgeon.
4. General Orders must be maintained in the three-ring binder issued by the Sturgeon Police Department.
5. General Orders are issued to staff members of the Sturgeon Police Department in the performance of complex assignments in a dynamic profession. Police officers should regard the manual as a tool to enable them to be more effective professionals.
6. No written policy, procedure or directive can or should supplant officer judgment, for it is impossible to foresee every conceivable situation that an officer may encounter. In many circumstances, the officer must decide what action is appropriate based on a combination of training, experience and common sense.

Note: Per Section 3.030.0 of Ordinance 302, approved and effective 4/2/1969

The Chief of Police shall have general supervisory control over the police department and shall enforce discipline among the members of the police department and shall be responsible for the instruction of the members of the police department in their duties, **SUBJECT** to the advice and consent of the Board of Alderman.

For clarification:

Any part time or full time police officer employed by the City of Sturgeon will report to the Chief of Police and in the event the Chief of Police is unavailable will report to the Board of Alderman and/or Mayor.

The Chief of Police will report to the Board of Alderman and/or Mayor.

As a bottom rule, The Board of Alderman and/or Mayor are actively involved with the activities from an administrative aspect.

Any final decisions to be made when situations warrant the need will be made by the Board of Alderman and/or Mayor based upon the Chief of Police's recommendations.

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General Order #1

UNUSUAL OCCURRENCE NOTIFICATION

Authority of: Chief of Police

Effective Date: 10/16/2002

It is imperative that the Chief and his designee be informed as soon as possible regarding certain situations.

PROCEDURES

1. In the event of an unusual occurrence (the commission of a major felony [defined as homicide, suspicious death, robbery, forcible sexual assault, and arson], fatality accident, suicide, a fire of major proportions, which endangers life of substantial property, disturbances threatening major disruption, vehicle pursuits, injury or death to department personnel, or any shooting incident involving a member the Police Department) on-duty personnel shall require an immediate notification to the Chief and/or the Full Time Officer.
2. The dispatcher (Joint Communications) or any other persons attempting notification of the Chief and/or the Full Time Officer shall attempt contact via the phone numbers on file.
3. The dispatcher (Joint Communications) or person making such notification shall enter:
 - a. Time of notification;
 - b. Name of individual contacted; and
 - c. Nature of unusual occurrence on the radio log
4. In the event that the Chief or FT Officer cannot be contacted, the person attempting notification shall log the times attempted.
5. Emergency Management Agency (Civil Defense) personnel should be contacted immediately in the event of any of the following situations:
 - a. All hazardous materials incidents
 - b. Any natural or manmade disasters

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General Order #2

EMERGENCY RESPONSE PROCEDURE

Authority of: Chief of Police

Effective Date: 10/16/2002

In order to promote familiarization with, and adherence to, standardized techniques for response to service assignments to afford the highest degree of protection to the responding officer and citizens, the following Emergency Response Procedures are implemented:

PROCEDURES

1. An officer responding to an emergency call may disregard traffic regulations governing:
 - a. Parking and standing;
 - b. Signal and signal intersection control, but only after slowing down and stopping, if required for safe operation;
 - c. Speed restrictions, as long as life and property are not endangered;
 - d. Directional and turn restrictions; and
 - e. The operator of an emergency vehicle is not relieved of the duty to operate the vehicle with due regard for public safety.

2. Upon receipt of a call for service, the Chief's dispatcher (Joint Communications) shall classify the call according to the following format and shall advise the responding officer of said designation.
 - a. CODE I – NON-EMERGENCY CALLS
 - i. Routine calls for service;
 - ii. Reports of past crimes;
 - iii. Reports of property damage; or
 - iv. Reports of minor offenses that do not pose a life-threatening or physically dangerous situation.

 - b. CODE II – CALLS (EXPEDITE)
 - i. Crime in progress, calls that do not pose a potential life threat or physically dangerous situation;
 - ii. Alarm calls; or
 - iii. Motor vehicle accidents.

 - c. CODE III – EMERGENCY CALLS (LIFE OR DEATH)
 - i. Life threatening or physically dangerous situations; or
 - ii. Officer needs assistance.

3. Upon receipt of a CODE I (one) or II (two) assignment, the responding officer shall expeditiously proceed to the scene in obedience to **all** traffic regulations.

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4. Upon receipt of a CODE III (three) assignment, the responding officer shall observe the following:
 - a. At no time will a Sturgeon patrol vehicle be operated at an unreasonable speed or manner that would shock the conscience of an average person;
 - b. Activate audible siren and emergency lights and proceed directly to the scene, disregarding traffic regulations **only** when absolutely necessary in compliance with Section I of this order;
 - c. When responding to a burglary or robbery in progress assignment, the responding officer may deactivate the audible siren; however, the responding officer must obey all traffic regulations while the audible siren is deactivated, as emergency vehicle status does not exist without the use of the audible siren; and
 - d. Code III shall be limited to two patrol vehicles. Any additional vehicles will respond to Code II.

5. Officer Responsibility
 - a. The ranking Police Officer shall:
 - i. Establish a joint command post maintaining constant joint communications;
 - ii. Secure the perimeter isolating the scene and providing traffic direction and control;
 - iii. Allow only authorized emergency personnel within the isolation zone;
 - iv. Determine and implement appropriate crises intervention techniques;
 - v. Determine appropriate evacuation measures when necessary, utilizing any emergency personnel available; and
 - vi. Require appropriate notification to be made to the Chief of Police.

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General Order #3

VEHICLE PURSUITS

Authority of: Chief of Police

Effective Date: 10/16/2002

A MOTOR VEHICLE PURSUIT IS JUSTIFIED ONLY WHEN THE NECESSITY OF IMMEDIATE APPREHENSION OUTWEIGHS THE LEVEL OF DANGER CREATED BY THE PURSUIT.

In accordance with the primary goal of a professional law enforcement agency, protecting the life and property, the following procedures and guidelines are implemented to serve as a standard for administrative review of the judgment exercised by personnel involved in a pursuit and the propriety of actions taken.

PROCEDURES / GUIDELINES

1. Vehicle pursuits shall be limited to two patrol vehicles. City patrol vehicles will not at any time be operated at an unreasonable speed or manner that would shock the conscience of an average person.
2. The purpose of a motor vehicle pursuit is the apprehension of a suspect who refuses to voluntarily comply with an order or signal to stop. To the extent that a motor vehicle pursuit exposes an officer or a member of the public to an unnecessary risk of harm or injury, the pursuit is inconsistent with the goals of the City of Sturgeon.
3. A Sturgeon Police Officer prior to initiating a pursuit shall consider the following factors:
 - a. Nature of the Offense;
 - b. Time of Day;
 - c. Volume of Vehicular and Pedestrian Traffic;
 - d. Location; and
 - e. Weather and Road Conditions
4. If after considering the factors in section 2 of this order, the officer decides to pursue, the Officer shall **immediately** notify the dispatcher of:
 - a. Reason for Pursuit (nature of offense);
 - b. Description of Fleeing Vehicle and Occupants;
 - c. Location and Direction of Pursuit; and
 - d. Ask that the Chief of Police be notified.
5. The dispatcher (Joint Communications) shall immediately notify, or attempt to notify the Chief of Police of all available facts. If by radio, telephone or cell phone, the dispatcher cannot locate the Chief, they shall document all attempts to locate.
6. Upon notification, the Chief of Police or, in his absence, another ranking officer shall assume control over the pursuit and shall be responsible for immediately terminating any pursuit when, in his/her judgment, the necessity of immediate apprehension is outweighed by the level of danger created by the pursuit.
7. Pursuit Tactics
 - a. Pursuing deputies shall use extreme care when disobeying traffic regulations and shall have full emergency equipment – audible siren and emergency lights – in operation during **all** phases of the pursuit.

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- b. A deputy shall **not** use firearms directed at, or from, a moving vehicle unless deadly physical force is directed at the deputy or a member of the public.
 - c. A deputy shall **not** halt or attempt to halt a fleeing vehicle by ramming.
 - d. In pursuits initiated by other agencies, the initiating agency shall be responsible for the progress of the pursuit. The Sturgeon Police Department shall become actively involved in the pursuit **only** at the direction of the Chief, or his designee.
8. In addition to the above guidelines the pursuing officers under any of the following conditions will immediately terminate a pursuit:
 - a. The level of danger created outweighs the necessity for immediate apprehension;
 - b. The identity of the suspect(s) has been established to the point that later apprehension can be accomplished, and the need for immediate apprehension no longer exists;
 - c. The location of the pursuit vehicle is no longer known; and/or
 - d. At the direction of the Chief or any commanding officer.
9. The pursuit policy is based on the recognition of the need for pursuit under extraordinary circumstances and pursuing officers and commanding officers will be accountable for adherence to its provisions.

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General Order #4

USE OF FORCE

Authority of: Chief of Police

Effective Date: 10/16/2002

Officers will employ that amount of force that is reasonable and necessary to affect an arrest or assume control of a situation. Officers use force in accordance with law, departmental policies and these departmental guidelines.

GUIDELINES

1. A member of the Sturgeon Police Department is justified in using force in defense of self or others, when making a lawful arrest, to prevent an escape from custody or confinement.
2. A law enforcement officer is justified in being an aggressor when he/she undertakes to make a lawful arrest or prevent an escape. If the arrestee resists, the officer is not only permitted to defend himself, he/she is under no obligation to retreat or withdraw.
3. After it has been determined that force is justified, an officer must then decide how much force should be used in a given situation. In general terms, a reasonable amount of force is considered to be the minimum needed for self-defense and only to achieve lawful custodial control.
4. The excessive use of force is **never** justified.
5. It is always preferable to use progressively stronger force options to bring about compliance. This approach demonstrates professionalism and restraint on the part of the officer and gives the suspect ample opportunity to comply before subjecting himself to the possibility of being injured. Force options available to the officer are on a flexible continuum; i.e., it is never mandatory that officers must use force options in a particular sequence.
6. Circumstances such as the level of resistance, form of attack, intensity of attack, etc. will determine the level of threat to the officer. Officers must tailor their reaction based on these and many other factors. Obviously, there may be many situations that require the officers to escalate immediately to the highest degree of force.
7. The use of force continuum is composed of the following stages:
 - a. Officer's Presence
 - i. Open stance
 - ii. Ready stance
 - iii. Defensive stance
 - b. Officer's Dialogue (tone of voice, inflection, etc.)
 - i. Questions
 - ii. Persuasion
 - iii. Verbal requests
 - iv. Verbal commands

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- c. Empty Hand Control & Hard Empty Hand Control
 - i. Escort holds
 - ii. Non-pain / pressure compliance
 - iii. Active countermeasures
 - iv. Pain/pressure compliance
 - v. Resistive countermeasures
 - vi. Active Countermeasures

 - d. Pepper Spray & Chemical Agent (C.S., C.N., Teargas, Mace)
 - i. Advise force will be used
 - ii. Hand on device
 - iii. Deploy device

 - e. Defensive Tool / Impact Instrument (ASP, PR-24)
 - i. Verbal warning
 - ii. Hands on instrument
 - iii. Display instrument
 - iv. Use instrument

 - f. Deadly Force (Firearm)
 - i. Verbal warning
 - ii. Hand on firearm
 - iii. Draw firearm
 - iv. Point firearm
 - v. Fire (YOU SHOOT TO STOP A LIFE THREATENING SITUATION.)
8. At any time, as the circumstances change or dictate, an officer can smoothly escalate or de-escalate the amount of force required to achieve control of a situation.
9. A final test in determining when force is justified is this question: Is force being used in good faith to maintain or restore control, or is it being used as unnecessarily or maliciously for the sole purpose of causing harm?

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General Order #5

OFFENSE REPORTS – Shall be completed on Police Report Form

Authority of: Chief of Police

Effective Date: 10/16/2002

In order to ensure an accurate, complete record of offenses that are reported to this office and to ensure that appropriate follow-up action is taken when required, the following procedures are implemented:

PROCEDURES

1. Whenever a member of the Sturgeon Police Department is made aware of, either through citizen complaint or his/her own observation, a violation of the law of the State of Missouri or the laws of the United States, he/she shall document the alleged violation by completing a Police Report.
2. Police Reports shall be completely, accurately and neatly filled out. Officers shall ensure that they obtain all the necessary information in order to complete the report. Once the report is complete, give to police clerk to be typed.
3. When describing rural locations, do not simply list a mailing address. Further describe the location by listing directions and county road numbers.
4. Police reports shall be written in first person, using everyday English. Avoid police jargon. Write your report as if you were telling a story, which is exactly what you are doing. Your written report is the finished product by which your law enforcement professionalism will be judged.
5. All police reports shall be completed (and turned in to police clerk) by the reporting officer before the end of his/her tour of duty, unless extenuating circumstances exist. If circumstances prohibit completing an offense report prior to going off duty, the reporting officer will write a short note, highlighting the main details of the offense, and place that note in the departmental mailbox of the Chief. In such cases, the reporting officer shall complete the police report within **24 hours**.
6. All police reports must have an assigned Case Report Number. This number is obtained from the Case Report Log. It is the responsibility of the reporting officer to make the appropriate entries in the log.
7. All completed police reports will be placed on the desk of the Police Clerk, who is responsible for completing and filing police reports. Reports will not be distributed until they have been properly reviewed and approved by the Chief or whomever the Chief so designates. Should an arrest be made, and the suspect is unable to post bond, it is permissible to submit a copy of the report to the county prosecutor, without prior review, so that an arrest warrant can be filed within the 20-hour holding period.
8. Each officer that has been assigned a call service, will follow-up the investigation until all leads have been exhausted. The officer will submit a continuation report detailing the progress of the investigation and what action has been taken. The continuation report will be required no later than 72 hours after the follow-up. The follow-up **will not** be turned over to the detective until all leads have been exhausted.

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General Order #6

ARREST REPORTS - Shall be completed on Police Report Form

Authority of: Chief of Police

Effective Date: 10/16/2002

Whenever a member of the Sturgeon Police Department makes an arrest and deprives an individual of his/her freedom by taking of that person into custody, the arresting officer shall document the fact by the completion and submission of the Police Report.

PROCEDURES

1. Police Reports will be made on all persons arrested by members of this office.
2. All Police Reports will be completely, accurately and neatly filled out.
3. Under normal circumstances, the arresting patrol officer will complete Police Reports. Patrol officers **will** work to assure the expeditious process of all arrestees.
4. Officers will ensure that a photograph of the arrestee is attached to the descriptive and all of the proper paperwork submitted to the main office for proper filing.

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General Order #7

MISSING PERSONS REPORTS – Shall be completed on Police Report Form

Authority of: Chief of Police

Effective Date: 10/16/2002

The Sturgeon Police Department will receive and investigate complaints of missing persons and missing children. Missing persons and missing children are defined as follows:

“Missing Child” or “Missing Juvenile” - Any person who is under the age of seventeen (17) years, whose temporary or permanent residence is in the State of Missouri, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

“Missing Person” – A person who is missing and meets one of the following characteristics:

- a. **Is physically or mentally disabled to the degree that the person is dependent upon an agency or another person;**
- b. **Was or is in the company of another person under circumstances indicating that the missing person’s safety may be in danger;**
- c. **Is missing under circumstances indicating that the disappearance was not voluntary; or**
- d. **Is a child or juvenile runaway from the residence of a parent or legal guardian?**

PROCEDURES

1. Upon receipt of a complaint of a missing person, the officer receiving the complaint shall determine if the missing person meets any one of the criteria listed above and if so, shall ensure that the dispatcher on duty (Joint Communications) immediately enters the missing person into the MULES and NCIC systems.
2. The officer receiving the complaint of a missing person shall prepare a standard Missing Person Report. The Missouri State Highway Patrol furnishes these report forms. The deputy shall assign an Offense Report Number to the Missing Person Report. The Police Clerk shall ensure that the person making the report signs the report in the proper space.
3. In addition to entering the missing person in the computer, the dispatcher (Joint Communications) shall notify other law enforcement agencies to assist in the location of the missing person. If indicated, an area search should be conducted. Other agencies and organizations may be called upon to help in the area search, e.g., Boone County Sheriff’s Reserve Unit, volunteer fire departments and Randolph County. You are not limited to the above list, other personnel may be contacted.
4. Completed missing persons reports shall be directed to the Support Staff member who is responsible for filing reports, who shall make a sufficient number of copies for investigative and record-keeping purposes.
5. In the event that the missing person is a child, a copy of the report shall be forwarded to the Missouri State Highway Patrol, Division of Drug and Crime Control, Missing Person Unit at Troop F Headquarters located in Jefferson City, Missouri.
6. Investigation of missing children shall be given the highest priority. Officers receiving the complaint and follow-up investigators shall take prompt action and shall make every effort to locate the missing child as soon as possible.
7. If and when a person is determined to be no longer missing, the dispatcher (Joint Communications) shall immediately remove the person from the computer and, if the case involves a child, notify the Missouri State Highway Patrol Missing Persons Units, so they may clear their files.

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General Order #8

MOTOR VEHICLE ACCIDENT PROCEDURES – STARS Form is to be completed

Authority of: Chief of Police

Effective Date: 10/16/2002

The Sturgeon Police Department may receive complaints on motor vehicle accidents. Upon this receipt, the following procedures are to be followed:

PROCEDURES

1. Immediately notify emergency personnel; i.e., fire and ambulance personnel, if required.
2. Notify Missouri State Highway Patrol or other law enforcement agencies in which the accident occurred in their jurisdiction.
3. Officers of the Sturgeon Police Department shall assist with any motor vehicle accident when request has been made.
4. When responding to a motor vehicle accident, the officer will respond to the accident i.e., 10-50-J2 or J4, respond code II, 10-50-J1, respond code I. Remember excessive speed, emergency lights and sirens are not always necessary.
5. The officer's primary responsibility is for traffic control and/or assistance where needed as directed by the Missouri State Highway Patrol, or agency having jurisdiction, if out of city limits.
6. In the occurrence of a fatality accident, the highest ranking or senior officer on the scene will remain in charge of the deceased until the notification and arrival the Boone County Coroner. In this instance, the Chief of Police shall be notified as to the procedures in General Order #1.
7. Often is difficult to determine if a person is deceased or critically injured. The agency in charge of the accident scene and/or ambulance and medical personnel shall determine whether the body will be transported to the hospital, or will remain at the scene until the funeral home personnel arrives.

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General Order #9

TOWED VEHICLES – Crime Inquiry & Inspection Report/Authorization to Tow Form

Authority of: Chief of Police

Effective Date: 10/16/2002

All vehicles towed at the instruction of the Sturgeon Police Department personnel shall be towed in accordance with law (RSMo 304.155 & 304.157) and the procedures established in this General Order.

PROCEDURES

1. Any vehicles may be towed from the right-of-way of any Federal or State Highway if the vehicle has been left unattended for more that forty-eight (48) hours; however, this does not include county roads.
2. Any unattended vehicles may be towed if illegally left setting upon any highway, bridge, or county road if the vehicle is in such a position as to obstruct the normal movement of traffic or otherwise constitutes a hazard to other vehicles.
3. Any vehicle may be towed which has been reported as stolen or taken without consent of the owner.
4. Any vehicle may be towed in the event the person driving such vehicle is arrested and taken into custody. The vehicle may be released to another person **only** if the registered owner of such vehicle so authorizes.
5. Any vehicle may be towed that has been abandoned on any real property owned by another without the consent of the owner or the person in charge of the property. However, the vehicle must have been unattended for more than forty-eight (48) hours prior to towing, unless the position and/or location of the vehicle substantially interferes with the reasonable use of the property, in which case it may be towed immediately. Prior to having the vehicle towed from private property, the officer requesting the tow service will have the property owner or the person in charge of the property sign the Crime Inquiry & Inspection Report/Authorization to Tow form.
6. Upon the towing of any vehicle, the officer ordering such tow shall complete a Crime Inquiry & Report/Authorization to Tow form. The officer shall submit a report with a case number stating why such vehicle was towed.
7. Upon the towing of any vehicle, the officer ordering such tow shall conduct an accurate and complete inventory search of the vehicle. All items shall be listed in the *Description of Items* on the Crime Inquiry & Inspection Report/Authorization to Tow form. A copy of this form shall be attached to the police report.
8. **Prior to towing any vehicle**, every reasonable effort shall be made to contact the owner of person in charge of such vehicle. If such person cannot be located, the vehicle may then be towed if the circumstances meet the criteria outlined in this General Order.

STURGEON CITY CODE

General Order #10

PROPERTY PROCEDURES

Authority of: Chief of Police

Effective Date: 10/16/2002

It is the duty of all officers to care for, control and correctly process all evidence or property, which may come into their possession in the recourse of their official duties. In processing property and/or evidence, officers will strictly observe all departmental directives and procedures.

PROCEDURES

1. A member (hereafter referred to as Reporting Officer) of the Sturgeon Police Department coming into possession of returnable property in any manner whatsoever, e.g., evidence, found property, property held for safe-keeping, recovered property, confiscated property or any other category, shall prepare a Property Record form.
2. Property Record forms shall be completely, accurately and neatly filled out, with the reporting officer ensuring that all pertinent and relevant information is documented, including contact number and address.
3. The reporting officer shall prepare a Police Report (if the property is not in connection with any previous reported offenses) detailing the circumstances under which the officer came into possession of the property. The reporting officer shall ensure that the Police Report is logged into the Case Report Log and assigned a case number.
4. Upon completion of the Property Record and Police Report, the reporting officer will turn the property and Property Record over to the Chief of Police. If the Chief is not available, the Property Record and property may and should be placed in the evidence drawer and locked. If it is placed in the evidence drawer and locked, it will remain in the officer's responsibility until it is turned over to the Chief to place in the Evidence Room. Property will not be left in the main office or elsewhere unattended.
5. Upon receiving property from the reporting officer, the Chief will log the property on the Evidence Room Log.
6. After receiving custody of the property, the Chief shall secure the property in the Evidence Room.
7. When any property is removed from the Evidence Room for any reason, it shall be noted on the Evidence Room Log, signed and dated. Upon returning any property to the Evidence Room, it also shall be noted on the Evidence Room Log, signed and dated.
8. The Chief is the only personnel authorized to release/return property. If there are any special conditions to release the property (such as identification of lawful owner, property in dispute, etc.), the reporting officer shall note such conditions on the Property Record and arrangements will be made to ensure compliance with such special conditions.
9. Property shall be released/returned to owner/authorized agents during the Chief's normal tour of duty. Other arrangements may be made at the discretion of the Chief.
10. When releasing property, the date, time and name of the releasing officer, along with the name and signature of the person the property is being released to, will be noted on the Property Record.

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General Order #11

NEWS MEDIA GUIDELINES

Authority of: Chief of Police

Effective Date: 10/16/2002

In order to further enhance effective law enforcement operations while keeping the public informed of such activities, the following news media guidelines are implemented:

GUIDELINES

1. All members of the Sturgeon Police Department shall cooperate with members of the news media and shall comply with all departmental policies relating to news media relations and release information.
2. Information contained in the following may be released:
 - a. Arrest Reports;
 - b. Offense Reports;
 - c. Accident Reports; and
 - d. Missing Persons Reports

With the following restrictions:

- i. Identities of victims of sex offenses shall not be divulged;
 - ii. Identities of juvenile offenders shall not be divulged;
 - iii. Identity of victims of any offense, where such disclosure places the victim in jeopardy, shall not be divulged;
 - iv. Information contained in the investigative reports shall not be divulged without the authorization of the Chief;
 - v. Identities of un apprehended suspects shall not be divulged; and
 - vi. Identities of accident victims shall not be divulged until the next of kin are notified.
3. Authorization from the Chief shall be obtained prior to discussion with news media of:
 - a. Departmental Procedures;
 - b. Current Crime Investigations;
 - c. Internal Affairs Investigations; and
 - d. Departmental Personnel Assignments

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General Order #12

UNIFORMS

Authority of: Chief of Police

Effective Date: 10/16/2002

Distinctive uniforms, which are properly worn, and well cared for project the image of an alert, responsive agency that takes pride in its work. Equipment that is well maintained projects a similar image. Officers are responsible for wearing the proper and complete uniform in the prescribed manner except when working an assignment that requires them to be out of uniform. Officers are expected to maintain their uniforms and equipment in good condition.

REGULATIONS

1. *Uniform Shirt / Blouse*
Color: French blue or gray **Style:** Police / military
Winter: Long sleeve with/ without a tie or clip-on tie or optional black turtleneck sweater or dickie
Summer: Short sleeve
2. *Uniform Slack / Pants / BDU's*
Color: Black or navy **Stripe:** Optional
3. *Footwear:* Any shoe or boot that is black in color. Your footwear shall be kept clean and polished.
4. *Coats / Jackets:* Black or navy
5. *Insignia:*
 - a. Department issued shoulder patch worn on left shoulder and a flag on right shoulder of shirts and jackets. Centered on shoulder epaulette and approximately one inch down from the shoulder seam;
 - b. Department issued / approved badge worn on left breast of shirts;
 - c. Rank insignia:
 - i. Sergeant: Worn on sleeve below shoulder patch;
 - ii. Lieutenant and above: Worn on shoulder epaulettes;
 - d. Nameplate worn immediately *on or above* the right pocket flap. Gold with black lettering; and
 - e. Whistle with chain worn on right breast (**optional**).
6. *Leather Gear:* **Each Officer shall have the option of using their own personal Leather Gear as long as it follows the guidelines and is approved by the Chief of Police**
 - a. Sam Browne tie, basket weave, plain clarion or nylon allowed;
 - b. Holster appropriate to department-approved sidearm; and
 - c. All belt accessories (handcuff case, belt keepers, mace case, etc.) shall match in color and style.
7. *Hats:* The wearing of hats is not mandatory during everyday normal duties.
 - a. Winter: Ball style or stocking cap; and
 - b. Summer: Ball style.
8. *Winter Uniform:* November 1 through March 31, **depending on the weather.**
9. *Summer Uniform:* April 1 through October 31, **depending on the weather.**

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General Order #13

AUTHORIZED FIREARMS

Authority of: Chief of Police
Effective Date: 10/16/2002

Officers shall be armed with Department authorized firearms loaded with Department-authorized ammunition while on duty and/or carrying off-duty weapons are only authorized after examination and approval by the Chief. The carrying of firearms while on/off duty shall comply with directives in this General Order and other relevant department policy.

DIRECTIVES

1. The following side arms are authorized for duty use by full time personnel:
 - a. Type: Semi-automatic pistol;
 - b. Manufacturer: Colt, Smith & Wesson, Ruger, Beretta, Sig Sauer, Browning, Glock or any other approved by the Chief;
 - c. Caliber: 40 S&W, 9mm, 45 or any other approved by the Chief;
 - d. Ammunition: Factory loads only. No hand or self loaded ammunition; and
 - e. Barrel Length: 2 - 6 inches.
2. The following side arms are authorized for duty use by reserve personnel:
 - a. Type: Revolver or semi-automatic pistols;
 - b. Manufacturer: Colt, Smith & Wesson, Ruger, Beretta, Sig Sauer, Browning, Glock or any other approved by the Chief;
 - c. Caliber: 38 Special, 9mm, 357 mag, 10mm, 40 S&W and .45 acp.;
 - d. Ammunition: Factory loads only. No hand or self loaded ammunition; and
 - e. Barrel Length: 2 – 6 inches.
3. The Sturgeon Police Department provides shotguns for the patrol vehicles. If the officer wishes to carry his personal shotgun, he may do so, only after approval of the Chief of Police. The shotgun shall be carried in the patrol vehicle with the chamber empty. The following types of shotguns are authorized:
 - a. Gauge: 12;
 - b. Barrel: 22 inches or less;
 - c. Action: Pump/Slide or Semi-automatic; or
 - d. Ammunition: Rifled slugs or 00 buck. Factory ammunition only.
4. All officers must successfully pass an initial range qualification course conducted by a Firearms Instructor prior to carrying a firearm on duty.
5. All officers shall be certified proficient once a year by a Firearms Instructor as being range qualified with duty weapons. Officers who fail to achieve range qualification will be given remedial training by the Firearms Instructor and given a second chance to qualify. Range qualification and proficiency with firearms is an integral part of a peace officer's duties. Failure to qualify will result in loss of peace officer status.
6. Off Duty Weapon – must be approved by the Chief
 - a. All off-duty officers shall be armed while in the city limits.
 - b. The off duty weapon shall be carried concealed, when possible.
 - c. Each officer shall qualify annually with each off duty weapon they wish to carry.
 - d. Off duty weapons shall be carried with factory ammunition. No hand or self loaded ammunition.

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General Order #14

AUTHORIZED DEFENSIVE TOOLS

Authority of: Chief of Police

Effective Date: 10/16/2002

Officers will employ batons and other defensive weapons in a manner consistent with department training and directives.

DIRECTIVES

1. The Monadnock PR-24 and ASP baton are authorized defensive tools of the Sturgeon Police Department or ASP.
2. No officer may carry an authorized defensive tool prior to initial certification in its use by a certified instructor approved by the Chief.
3. Officers are responsible for maintaining proficiency with their authorized defensive tool through regular training and practice.
4. Each year officers are required to undergo re-certification training and testing conducted by a department approved instructor.
5. Officers must always be prepared to justify the use of force. Generally, force is justified when a suspect needs to be controlled or restrained while breaking the law and resisting arrest.
6. Within the boundaries of reasonable force, officers should always execute defensive techniques:
 - a. Swiftly, with the precision and speed developed through training and practice;
 - b. Certainly, with understanding of the physical trauma which will result from the amount of force and technique(s) used; and
 - c. Strongly, with force being escalated until the suspect complies or is under control.
7. Striking or hitting subjects in the head, groin, neck, throat, solar plexus, spine, collar bone or kidneys is prohibited unless the officer must protect himself/herself or others from serious physical injury. Strikes to these areas are inconsistent with department training. It will be the responsibility of each officer to justify his/her actions in regards to utilizing a defensive tool in this manner.

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General Order #15

VEHICLE MAINTENANCE

Authority of: Chief of Police

Effective Date: 10/16/2002

PROCEDURES

1. Each individual assigned a Sturgeon Police Department patrol vehicle shall make a daily visual inspection of the interior and exterior of the vehicle. Any damage or abnormalities shall be immediately reported to the Chief. The Chief will make a determination as to whether a written report will be required from the individual of the vehicle.
2. Each individual shall, on a regular basis, check the vehicle's tires for any signs of wear and shall ensure that the tires are properly inflated.
3. Each individual shall when refueling the vehicle, check the fluids in the engine. These will include: engine oil, brake fluid, battery solution, anti-freeze/coolant and window washing fluid. When fluids are low, the vehicle will be serviced.
4. Each individual shall, at least once a week, check the engine for any loose or worn hoses, frayed belts or any other apparent signs of wear or potential mechanical breakdown.
5. Each Sturgeon Police Department patrol vehicle will be serviced every 3,000 miles or 90 days for a service and maintenance check.
6. Whenever possible and practical, patrol vehicles will be scheduled for servicing during the regular operator's days off to ensure adequate fleet availability.
7. Whenever a patrol officer is absent from work for an extended period of time due to sickness, vacation, holidays, compensatory time, etc., his/her patrol vehicle may be used by other officers and returned prior to the assigned officer's next scheduled tour of duty.

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General Order #16

PERFORMANCE APPRAISAL STANDARDS

Authority of: Chief of Police
Effective Date: 10/16/2002

Officers are expected to perform their assigned duties in a competent manner. The following performance appraisal guidelines have been developed in an effort to assist the individual employee with objectives, consistent, and standardized self-evaluation of their job performance. The desired goal is that members of the Sturgeon Police Department will recognize both strengths and weaknesses in the context of their general employment and duty assignments and thus reinforce and/or improve work performance.

Unacceptable by Guidelines	<u>RATING SCALE</u>	Superior by Guidelines
	Acceptable Level	
	1 2 3 4 5 6 7	

These guidelines have been quantified to provide for a standardized method of evaluation. The system is based on a one to seven scale, with one (1) representing an “unacceptable” level of performance and seven (7) representing a “superior” level of performance.

This system establishes guidelines for specifying the exact types of performance that should be considered unacceptable, acceptable or superior. This is accomplished through the utilization of descriptive phrases and analysis of specific behavior in each of the individual rating categories. These categories are defined as to the nature of activity being rated and the standardized classification of each.

In applying this system, it must be understood that each individual has different perceptions of almost every life experience. While standardization in rating is an acute necessity, any attempt to standardize perceptions is an impossibility. Consequently, this system addresses that issue by establishing specific guidelines for determining what performance is classified as unacceptable, acceptable or superior.

PERFORMANCE APPRAISAL SYSTEM

1. Knowledge of Department Policies and Procedures
2. Knowledge of Criminal and Civil Law
3. Oral Communication
4. Written Communication
5. Community and Citizen Relations
6. Working Relations with Department Personnel
7. Attitude
8. Work Habits
9. Appearance – Uniform and Grooming
10. Equipment Knowledge and Maintenance (*Patrol Only*)
11. Investigations (*Patrol Only*)
12. Equipment (*Dispatch Only*)
13. Safety and Security (*Dispatch Only*)

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EVALUATION GUIDELINES

1. KNOWLEDGE OF DEPARTMENT POLICIES AND PROCEDURES

- a. Fails to display knowledge of department policies/procedures and/or violates the same. Is unaware of behavior that constitutes a violation of such policies. Is unable to locate specific orders, rules and/or regulations when necessary.
- b. Has a satisfactory understanding of the policies and procedures and a good working knowledge of the same. Is sufficiently familiar with criteria constituting a violation of such policies. When not sure of the specific details of an order/rule, he/she is able to locate the same for clarification.
- c. Has the superior knowledge of policies/procedures. Has the same committed to memory and never needs to refer to the same for clarification.

2. KNOWLEDGE OF CRIMINAL AND CIVIL LAW

- a. Does not know the elements of basic sections of law and/or relies on others to provide assistance. Is unable to use the statute books and locate appropriate sections.
- b. Has a satisfactory knowledge of the elements of commonly encountered offenses and the related sections of the law. If unaware of the elements of specific sections, is able to use statute book as a reference guide and locate the same.
- c. Has a superior knowledge of criminal and civil statutes. Knows the elements and sections of criminal law without using or referring to statute books. Has the same committed to memory.

3. ORAL COMMUNICATION

- a. Speaks softly or timidly. Speaks too loudly. Confuses or angers listeners by the way he says and/or how he says it. Speaks when inappropriate. Does not communicate clear radio transmissions. Speaks too slowly or quickly.
- b. Speaks in a clear, calm voice. Proper selection of words and knowledge of when and how to use them. Speaks when appropriate. Makes clear, concise statements when giving radio transmission. Voice tone and inflection is usually proper to control situation. Is able to convey a coherent train of thought or idea.
- c. Always speaks clearly, calmly and concisely in even the most stressful situation. Anticipates and clarifies confusing information to prevent misunderstanding. Always employs the proper voice tone, word selection, inflection and bearing to accompany what is said. Never speaks inappropriately.

4. WRITTEN COMMUNICATION

- a. Unable to organize information and reduce it to writing. Leaves out pertinent information in reports. Reports are illegible and contain an excessive number of misspelled words. Sentence structure, grammar and word usage is improper or incomplete.
- b. Reports are legible. Sentence structure, grammar and word usage are proper and complete. Spelling is acceptable and errors are rare. Reports are completed in an organized and logical manner. Reports contain the required information and details. Errors, if present, are minor and easily corrected.
- c. Reports are always extremely neat and legible and contain no spelling or grammatical errors. Reports are always, without exception, a complete and detailed account of events from beginning to end. The message is always received as intended.

5. COMMUNITY AND CITIZEN RELATIONS

- a. Abrupt, belligerent, overbearing, arrogant and uncommunicative. Lacks composure in citizen confrontations. Generates numerous citizen complaints for insulting or antagonizing behavior.
- b. Courteous, friendly and empathetic. Communicated in a professional unbiased manner. Is public relations oriented. Is comfortable with routine citizen contacts. Promotes a professional image to the public.

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- c. Is always at ease with all citizen contacts including complaints. Quickly establishes a rapport with those contacted and leaves them with the feeling that he is genuinely interested in them. Responsive to community needs.

6. WORKING RELATIONSHIP WITH DEPARTMENT PERSONNEL

- a. Patronizes other personnel and is antagonistic toward same. Is disrespectful, argumentative, and sarcastic or resists instructions.
- b. Maintains good relationship with peers and superiors and is accepted as a group member. Works well in a team atmosphere. Although not completely in agreement with an assignment of orders, willingly accepts and follows same.
- a. Is at ease in contacts with all department personnel. Completely understands superior's responsibilities. Respects and completely supports their position. Peer group leader. Actively assists others in the performance of their duties.

7. ATTITUDE

- a. Views his/her position as merely a job. Refuses to assume responsibilities for actions taken. Denies errors that were made. Considers constructive criticism as a personal attack and complains to working associates regarding same.
- b. Usually has a positive attitude toward position. Demonstrates an active interest in his work. Assumes responsibilities for actions. Accepts criticism in a positive manner and applies same to improve performance and further the learning experience. Demonstrates dedication and loyalty to the position and the department. Has a sufficient working knowledge of the requirements of his position.
- c. Never becomes discouraged toward assignment and responsibilities of this position. Is repeatedly suggesting methods of improving the department. Solicits constructive criticism to improve his performance. Actively seeks to improve knowledge and skills to assist him in better performing his job functions. Never argues or blames other for error or mistakes. Shows extreme loyalty to the department.

8. WORK HABITS

- a. Acts without thought or good reason. Is indecisive, naïve and unable to reason through a problem and arrive at a logical conclusion. Does not recall previous solutions and apply same in similar situations. Fixates on one course of action and overlooks options.
- b. Able to reason through a problem and arrives at an acceptable conclusion in most situations without it requiring assistance from others. Makes reasonable decisions based upon information available. Perceives situations as they actually are. Is open-minded and objective. Relates past solutions.
- c. Able to reason through every encountered situation and is able to arrive at appropriate conclusions. Never requires assistance in making proper decisions. Possesses superior perceptive capabilities, anticipates every problem and prepares resolutions before encountering them.

9. APPEARANCE – UNIFORM AND GROOMING

- a. Uniform is constantly dirty, wrinkled and fits poorly. Dirty shoes, inadequately maintained leather. Hair un-groomed and poor attention to hygiene.
- b. Uniform is neat and clean. Shoes and leather are clean and polished. Hair is groomed and proper length according to department standards. Attention given to personal hygiene. Presents a neat and professional appearance.
- c. Uniform is always neat and tailored. Leather and shoes are shined to a high gloss. Strict attention is given to personal hygiene and hair. Sets standard for impeccable appearance.

10. EQUIPMENT KNOWLEDGE AND MAINTENANCE

- a. Does not have working knowledge of use of equipment (firearms, batons, etc.). Does not understand policies regarding same. Does not keep vehicle in good condition (interior and

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- exterior), clean, well maintained mechanically, etc. Does not comply with policies regarding vehicle operation. Is not familiar with radio equipment.
- b. Has a satisfactory working knowledge of equipment, firearms, batons, etc. Has satisfactorily qualified with all weapons used. Fully understands policies regarding same. Keeps vehicle clean and in good running condition. Usually complies with all policies regarding vehicle operation.
 - c. Maintains a superior knowledge of equipment. Highly proficient in procedural application. Qualifies with all weapons. Conducts daily inspection of vehicle and keeps it in impeccable condition. Always complies with department policies regarding operation of vehicles.

11. INVESTIGATIONS

- a. Unable to accurately diagnose factual data collected. Fails to discern readily available evidence. Frequently makes mistakes when collecting evidence and/or contaminates evidence. Consistently fails to follow up on leads.
- b. Conducts complete initial investigations and complete follow-ups on leads. Rarely needs to re-investigate or do further inquiry on leads, witnesses or investigative information. Always collects adequate evidence and preserves appropriately.
- c. Is always accurate in the diagnosis of factual data collected. Is always accurate when identifying, collecting and protecting evidence. Rapidly identifies related information or evidence without assistance. Investigations are always completed to a proper disposition.

12. SAFETY AND SECURITY

- a. Fails to follow accepted safety procedures. Refuses or fails to assist other officers when requested or necessary. Does not anticipate potentially dangerous situations. Fails to keep an appropriate distance from hostile inmate and/or control inmate movements. Is reckless in the performance of duties. Fails to handcuff properly. Allows inmate access to department materials.
- b. Follows accepted safety procedures, understands and applies same. Maintains control of inmates and movements. Anticipates potentially hazardous situations properly. Assists other officers when capable of doing so.
- c. Always works very safely. Foresees dangerous situations and prepares for same. Sets an example for others to follow as a superior safety conscious officer. Is always alert to changing situations and prevents opportunities for danger from developing.

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General Order #17

OVERTIME AUTHORIZATION

Authority of: Chief of Police

Effective Date: 10/16/2002

The Sturgeon Police Department Personnel policy is to compensate Police Department personnel who work beyond the normal work period (40 hours in a one week pay period) in the form of compensatory time off at the rate of one and one-half hours for every hour of overtime worked. Overtime/compensatory time will not be reimbursed with monetary reimbursement, instead an officer will be allowed to use the "excess" hours that are classified as "overtime", to be figured into the weekly total of 40 hours.

GUIDELINES

1. Officers may, under certain conditions, be required to remain past the regular end of their shift or to work in excess of full-time hours.
2. The need for overtime work shall be based on, but not limited to:
 - a. Safety factors;
 - b. Unusual emergency situations requiring additional and/or specialized personnel; or
 - c. Court appearances.
3. Overtime is not authorized for the completion of routine reports.
4. It shall be the responsibility of each individual officer who performs overtime work to complete a Weekly Time Sheet, showing the date, time and the reason the overtime was required. The Weekly Time Sheet shall be submitted to the Chief for approval.
5. For the purposes of computing work hours, Sturgeon Police Department considers the workweek to begin on Sunday and end on Saturday.
6. When an individual officer begins to accrue an excessive amount of compensatory hours, that officer may take the appropriate amount of time off to reduce the hours. This time shall be at the convenience of the department and the discretion of the Chief and his designee.
7. If it is ascertained that any officer is "padding" hours worked, or is working unnecessary overtime hours, that officer shall be cautioned once, and then shall be subject to the strictest disciplinary actions if the practice continues.

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General Order #18

REQUEST FOR TIME OFF

Authority of: Chief of Police

Effective Date: 10/16/2002

Refer to the Employee Handbook.

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General Order #19

DISCIPLINE/TERMINATION

Authority of: Chief of Police
Effective Date: 10/16/2002

Refer to the Employee Handbook

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GENERAL ORDER #20:

POLICY REGARDING RESERVE POLICE UNIT—RESERVE POLICE OFFICERS,

TO SUPPLEMENT STURGEON CITY CODE SECTION 3.450:

1. All Reserve Police Officers shall be certified by the Missouri Department of Public Safety Standards and Training Office (POST) as “peace officers”.
2. Reserve Police Officers shall wear the same uniform as regular police officers. Commission cards shall specify “reserve” status.
3. Reserve Police Officers shall have the same power, duties and responsibilities as regular police officers.
4. Reserve Police Officers shall have the same obligations to comply with all Sturgeon Police Department policies, orders directives, procedures and guidelines as regular police officers. Reserve Police Officers are responsible for being familiar with all departmental publications.
5. Reserve Police Officers do not have employment status with the Sturgeon Police Department and shall receive no compensation for their work. The City of Sturgeon, Missouri shall pay for continuing education for each Reserve Police Officer.
6. The Sturgeon Chief of Police may enact additional rules or regulations for reserve police officers as long as they do not conflict with any Departmental rules, regulations or policies, this General Order or the Sturgeon City Code.
7. The following shall be complied with by each Reserve Police Officer.
 - a) Reserve Police Officers shall be in proper uniform, and Reserve Police Officers shall be furnished with uniform and standard equipment.
 - b) All weapons to be carried shall be approved by the Chief of Police.
 - c) Each Reserve Police Officer shall be required to ride with an experienced police officer until agreed by the Chief of Police and the Reserve Police Officer that he/she is capable to stand patrol by himself/herself.
 - d) Reserve Police Officers shall be required to learn all aspects of the Sturgeon Police Department, including courtroom procedures.
 - e) Reserve Police Officers are expected to follow any reasonable directive given to them by a senior police officer or the Chief of Police. Failure to do so can result in disciplinary action or removal.
 - f) Reserve Police Officers are required to attend any meetings or training that they are scheduled, unless a valid excuse is given. Failure to attend without being excused may result in disciplinary action or removal. If excused, it will be the Reserve Police Officer’s responsibility to find out what was discussed in the meeting, and a general idea of what training took place.
 - g) Reserve Police Officers who abuse or damage a police vehicle or police equipment assigned to them may be disciplined or removed.
 - h) Reserve Police Officers who abuse their power may be disciplined or removed.
 - i) Reserve Police Officers shall receive a review by the Chief of Police twice annually to evaluate their work and status with the Sturgeon Police Department.
8. Failure by a Reserve Police Officer to comply with any provisions of the Sturgeon City Code, this General Order #20, or any applicable Sturgeon Police Department rule, regulation or policy may result in disciplinary action or removal.

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General Order #21

DOMESTIC VIOLENCE

Authority of: Chief of Police

Effective Date: 10/16/2002

The Sturgeon Police Department will respond to all reported instances of domestic violence in such a manner as to comply with Chapter 455 of the Revised Statutes of Missouri.

Domestic Violence is defined as:

1. A pattern of assaultive and coercive behaviors, which include, but are not limited to, physical, sexual and psychological attacks.
2. Such attacks are perpetrated by a past or present intimate partner, whether they be heterosexual, homosexual, dating, cohabitating, married or divorced.

PROCEDURES

1. The service of orders of protection shall take priority over all other civil process except process of a similar emergency nature.
2. All orders of protection shall be kept on file in the Chief's office.
3. Domestic violence calls shall be given the same priority as that given to an assault between strangers. An **immediate response** is required if:
 - a. Caller indicates violence is occurring;
 - b. Caller indicates violence is imminent;
 - c. Caller indicates prior history of domestic violence; and
 - d. An order of protection is in effect.
4. Officers shall provide victims of domestic violence with the phone numbers of the **SAFE PASSAGE** Hotline:

1-800-616-3754
5. Officers shall transport the victims of domestic violence away from the scene of violence to a safe place if the victim has no other means of transportation.
6. If an officer has probable cause to believe an assault or domestic violence has occurred, the officer must arrest the offending party if a primary aggressor is determined and injuries are evident, no matter how slight. If the officer chooses not to make an arrest, then he/she must make a written report listing:
 - a. Name of offending party;
 - b. Name of victim;
 - c. Address of victim;
 - d. Address of offending party;
 - e. Date, time and location of incident; and
 - f. Specific reason(s) why no arrest was made

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7. If the Sturgeon Police Department is called to the same location within twelve (12) hours and the responding officer finds probable cause to believe that the same offending party has committed another act of domestic violence against anyone in that family or household, then the officer **must arrest** the offending party. It does not matter whether the victim wishes to prosecute or not.
8. An officer **must arrest** if the offender has been served with an order of protection and the deputy has probable cause to believe that the offender has committed an act of abuse in violation of that order. This **arrest is mandatory** whether the violation occurred in the officer's presence or not. It does not matter whether the victim wishes to prosecute or not.
9. At the scene of domestic violence, an officer is not required to arrest both parties if both parties claim to be victims. However, the office **may** arrest both, but the officer **must** arrest the "primary aggressor."
10. The primary physical aggressor is the most significant party in the dispute. It does not matter who starts the dispute. The officer **must** consider:
 - a. The intent of the law to protect victims from continued violence;
 - b. The extent of injuries to the victim(s);
 - c. The seriousness of threats to the victims; and
 - d. The history of violence between the parties.
11. Officers are not to threaten any parties with arrest for the purpose of discouraging further calls to the Sturgeon Police Department.
12. If a person against whom an order of protection has been issued fails to surrender custody of a minor child as required by the order, then the officer **must** arrest the person refusing to surrender custody, and turn the child(ren) over to the person to whom custody was awarded.
13. The decision to arrest in a domestic violence situation, even when arrest is mandatory, **must always** be based on probable cause.

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General Order #22

EXTRADITION PROCEDURES

Authority of: Chief of Police

Effective Date: 10/16/2002

At the time of approval of the General Orders Manual – There is no procedure in place

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General Order #23

JUVENILE PROCEDURES

Authority of: Chief of Police
Effective Date: 10/16/2002

It is the responsibility of the Sturgeon Police Department to investigate law violations involving children, gather necessary evidence and bring the juvenile offender before the juvenile authorities. Officers should recognize that Missouri State Statutes, Missouri Supreme Court Rules, and case law require that juveniles be treated differently from adult suspects and offenders. Adherence to department policies and the provisions of this general order ensure that deputies are in compliance with all the requirements of this specialized area of law enforcement.

Juveniles are all persons in the State of Missouri who have not attained their seventeenth (17th) birthday.

PROCEDURES

1. INVESTIGATION

- a. Investigation of crime, whether committed by adults or juveniles, is the responsibility of the appropriate law enforcement agencies.
- b. Investigations conducted by the Juvenile Officer are limited to a post-arrest analysis of the offense and inquiries into the child's background, community functioning, etc.

2. TAKING A JUVENILE INTO CUSTODY

- a. Juveniles may be taken into custody:

Pursuant to a court order;

Pursuant to the laws of arrest applicable to adults;

When an officer has reasonable cause to believe that a child is in imminent danger of suffering serious physical harm or death as a result of abuse or neglect and there is not sufficient time to obtain a court order or the authorization of the juvenile officer; and
By a juvenile officer if there is reasonable cause to believe that the juvenile is without proper care, custody or support and that immediate protective custody is necessary to prevent harm to the juvenile.

- b. The taking of a juvenile into custody is not considered an "arrest" but the jurisdiction of the court attaches from the time the juvenile is taken into custody.
A child may also be taken into custody when his behavior or associations are deemed injurious to his welfare, to the welfare of others or if he is habitually absent from his home without permission or reasonable justification.
- c. Upon taking a child into custody, an officer shall **immediately** make reasonable efforts to notify the juvenile's custodian.
- d. When a juvenile is taken into custody, he is not to remain in custody, but is to be released at once to his custodian or some other suitable person, **unless a court order or the juvenile officer authorizes otherwise.**

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- e. If a juvenile is released pursuant to Section E above, then the juvenile is to be notified, in writing, within 24 hours for delinquency and status offenses; and 12 hours for protective custody due to abuse and/or neglect. Officers are to use the Juvenile Court Referral forms for this purpose.
- f. If a juvenile is not released immediately, the juvenile officer needs to be contacted, with a written report available, stating why the juvenile was taken into custody and why he was not released.

3. INTERROGATION OF A JUVENILE

- a. Any interrogation of a juvenile **must** be conducted in the presence of a juvenile officer. If a juvenile officer is not present, any confession or admission obtained will be excluded from evidence.
- b. The juvenile officer, or the officer, must obtain the presence of a parent, custodian, guardian or other adult friend at the interrogation. Courts in Missouri have placed special emphasis upon the importance of parental guidance and advice to a child at the time of interrogation. This is a significant factor in determining whether, in the totality of the circumstances, the statements of the child will be admissible in evidence.
- c. A juvenile suspect **must** be informed of his rights and must waive those rights **prior** to any questioning. If the juvenile waives his rights, the questioning may begin. The officer should conduct the actual interrogation. Officers are better trained and more experienced in conducting investigations than are juvenile officers. In addition, the elicitation of incriminating information by the juvenile officer undermines the intent of the Juvenile Code.

4. DETENTION OF A JUVENILE

- a. A juvenile **must not** be placed in detention in the jail.
- b. A juvenile may be “patted down” for the safety of the officer(s).
- c. Juvenile offenders may be handcuffed for safety and security reasons just as an adult suspect.
- d. Juveniles **may not** be handcuffed to any fixed or stationary item (chair, table, etc.).
- e. Juveniles **may not** be photographed nor fingerprinted for any purpose without the consent of the juvenile judge.
- f. A juvenile may be placed in a line-up. Parents should be present. As persons placed in a line-up should be similar as to height, weight, age, complexion, hair, etc.; a line-up will usually necessitate the use of other juveniles, and this gives rise to special considerations and creates logistical problems. Any juvenile who is not in custody, and is not a suspect, who is to be used in a line-up, should be used only with the knowledge and consent of their parent(s).

5. PROSECUTION OF A JUVENILE AS AN ADULT

- a. A juvenile cannot be prosecuted as an adult for misdemeanor offenses.
- b. A sixteen (16) year old can be prosecuted as an adult for violation of a state traffic law or municipal traffic ordinance, provided the charge does not amount to a felony (i.e.: 3rd DWI or Vehicular Manslaughter). However, a 16-year-old traffic offender is **not** to be placed in an adult jail facility.

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- c. “DWI” is treated as a traffic offense, but “possession of intoxicating beverages” is not a traffic offense and must be referred to the juvenile office if it involves persons under the age of seventeen (17).
- d. A juvenile, who is between the ages of fourteen (14) and seventeen (17) is alleged to have committed a felony, can be prosecuted as an adult, but only after a hearing before the juvenile court. If the juvenile court orders the case transferred to Circuit Court for trial as an adult on the felony charge, such juvenile can then be placed in an adult jail facility.
- e. If a juvenile has been convicted as an adult of a felony in Circuit Court, then that juvenile is to no longer be treated as a juvenile in regard to any act that would be a violation of state law or a municipal ordinance.

6. SUMMARY

- a. The juvenile officer does not conduct criminal investigations. Juvenile officers should not be confused with a police officer that is assigned to the Juvenile or Youth Division of a police department.
- b. Under most circumstances, the juvenile officer does not become involved in a criminal case until an arrest is made. At that point, his involvement is mandatory.
- c. The juvenile office-law enforcement relationship is not an adversary. However, the juvenile officer must conform to the requirements of the Juvenile Code. The juvenile officer’s primary responsibility is to implement the objectives of the Juvenile Code.

7. JUVENILE CODE (Chapter 211, RSMo.) PURPOSE

The purpose . . . is to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court. This . . . shall be liberally construed, therefore, to the end that each child coming within the jurisdiction of the juvenile court shall receive such care, guidance and control, preferably in his own home, as will conduce to the child’s welfare and the best interests of the state and that when such child is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which should have been given him by them.

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General Order #24

COURTROOM TESTIMONY AND DEMEANOR

Authority of: Chief of Police

Effective Date: 10/16/2002

One of the most important duties that a police officer may be called on to do is to testify in a court of law. It may be only with the judge and attorneys present; or it may be a jury trial, packed with spectators and the news media. Your character, your credibility and your professionalism will be judged on the basis of how you conduct yourself on the witness stand. The most important thing to remember is to always tell the truth.

GUIDELINES

1. Tell the truth. You are sworn under oath. If you don't tell the truth, you are committing the crime of perjury.
2. Don't guess. If you don't know the answer, simply say, "I don't know." If you are making an estimate of time, distance, height, etc., it is okay to do so, however, make it clear that you are merely giving your best estimate.
3. Understand the question before you answer. Do not be afraid to ask the lawyer to repeat the question.
4. Answer the question that is asked. No more. No less. Do not volunteer information.
5. Speak loudly enough that everyone can hear you.
6. Take your time. Understand the question, formulate your answer and then give it.
7. Answer out loud. The court reporter needs to hear an audible answer. Don't just shake or nod your head.
8. Don't look to the attorneys or anyone else for help. You should not need help with your answers. Remember, there are no "right" or "wrong" answers – only truthful ones.
9. Don't chew gum. Don't talk with your hand on or over your mouth. Don't look at your shoes when testifying. Don't wear sunglasses.
10. Don't fence or try to outsmart the attorney. You are at a decided disadvantage. The courtroom is his "turf". Lawyers are sometimes obnoxious, but that is not your concern. He has a right to ask questions, and he has the right to expect answers from you. Don't feel that you have to display your quick wit. If the lawyer is obnoxious, the jury will sense it without any help from you.
11. Don't lose your temper. You cannot think clearly when you do. Some attorneys will try to make you mad, don't give them the satisfaction.
12. Be courteous. Juries are impressed with courtesy.
13. Look the jurors in the eye. Your only purpose in being there is to tell the jury what you saw and heard. It is not necessary to stare at the jury, but you should look straight at them when giving many of your answers.

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14. Don't talk to other witnesses about your testimony. Don't let them talk to you about theirs. When waiting to testify, it's okay to talk about the weather, etc., but it is not proper to discuss what your testimony has been or will be.
15. Don't talk to the jurors during recess. Other than saying "good morning" to a juror if you must, avoid saying anything to them except when you are in the courtroom testifying under oath.
16. Before the trial, it is okay for the defense attorney to attempt to talk to you about your testimony. You have three choices:
 - a. You can tell him you do not want to talk to him;
 - b. You can agree to talk to him; or
 - c. You can agree to talk to him, but insist that the interview take place at a location of your choosing, such as the prosecutor's office.

If you talk to him, remember these two things:

Tell him the truth; and

Remember that his job is to help his client, not to help you. It is entirely your decision to talk to him or not.

17. REMEMBER, ALWAYS TELL THE TRUTH!

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General Order #25

ARSON INVESTIGATION

Authority of: Chief of Police
Effective Date: 10/16/2002

Arson investigations are the joint responsibility of the Fire Department and the Sturgeon Police Department with the State Fire Marshall's Office bridging the gap between and providing both technical and investigative assistance.

Arson is committed when a building or structure is damaged or destroyed by means of fire or an explosion knowingly caused by a person(s) for unlawful purposes.

PROCEDURES

1. Normally, at some point during the course of extinguishing a fire, fire officials will determine if the origin of the fire is suspicious. The Fire Chief will request that the State Fire Marshall's Office be contacted and an investigator respond to the scene if he has reason to suspect that the fire is of an incendiary nature.
2. The Fire Department will see to it that the fire scene is kept secure until the arrival of the Fire Marshall's Investigator.
3. If the Fire Marshall's Investigator determines that the fire was arson, then the officer will make an Offense Report initially assigned to the call.
4. Should it be determined that an arson fire resulted in the death or serious injury of any person, then all rules and procedures for homicide/serious assault investigation will apply.
5. Cooperation between the Sturgeon Police Department, Boone County Fire Protection District and the State Fire Marshall's Office is essential. Each agency has its own area of expertise. The successful investigation of arson fires will require a unified effort.
6. During the actual course of the fire, officers are expected to take certain actions and provide proper support for the fire officials.

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General Order #26

ROBBERY RESPONSE AND INVESTIGATION

Authority of: Chief of Police

Effective Date: 10/16/2002

Robbery, whether 1st Degree (armed) or 2nd Degree (no weapon, only use or threat of use of physical force) is considered a major crime. The basic elements of robbery are the taking of property by violence and fear. The investigation of this crime begins with the receipt of the call for assistance. It is imperative that deputies respond in a systematic manner and all actions/activities are properly recorded and documented.

PROCEDURES:

ROBBERY

1. If a report of a robbery in progress or just completed robbery is received via telephone, the dispatcher should first ascertain the location of the incident and then immediately dispatch any available unit(s) to the scene, and then try and obtain further information from the caller.
2. Once the dispatcher has dispatched the unit(s) to the location of the incident, the dispatcher should attempt to keep the caller on the phone long enough to obtain the following additional information:
 - a) Physical description and number of suspect(s);
 - b) Clothing description;
 - c) Vehicle description (if any);
 - d) Direction and method of flight;
 - e) Type and description of weapon (if any); and
 - f) Location of suspect(s), if known;
3. In obtaining information from the caller, the dispatcher should keep in mind that the **personal safety** of the caller **is of primary importance** and should not keep the caller on the line if in doing so, it jeopardizes the safety of the caller or any other person.
4. Officers responding to the scene of a robbery are authorized to respond code III (see General Order pertaining to Emergency Responses). As the responding unit(s) near the scene, they should discontinue the use of the audible siren and proceed cautiously to the scene.
5. Responding officers should be alert and observant as they proceed to the scene in the event that the deputies meet the suspect(s) as they are fleeing the scene.
6. As the first unit(s) arrive at the scene he/she must ascertain, if not already known by the dispatcher, whether the robbery is still in progress. Officers should exercise extreme caution upon arriving at the scene. Do not enter a building or other structure until you have sufficient information, relayed from the dispatcher or derived from your own senses or other sources, that it is safe to do so.

ROBBERY STILL IN PROGRESS

7. If, upon arrival at the scene, the robbery is still in progress, unit (2) should obtain and remain in a position of cover and concealment in such a manner as to promote observation of the progress of a crime, if possible.

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8. If the robbery is occurring inside a structure, all efforts should be made to apprehend the suspect(s) outside the building. We do not want to create a hostage situation if it can be avoided. Officer(s) should enter a building only if it appears necessary to prevent serious physical injury to any victims or bystanders.
9. From the time of the receipt of the call, all radio traffic should be kept to a minimum. Dispatchers and field officers should operate their radios in an "emergency traffic only" mode.
10. The ranking officer on the scene, or the officer with the best tactical vantage point should coordinate the selection of a "take down area". This may be on a parking lot of a business or some other location on the road where the tactical advantage is with the officer(s).
11. If the suspect(s) attempt to leave the scene with a hostage, it will be a judgment call on the part of the officer in charge as to whether the danger to the hostage is greater during an immediate "take down" or whether the suspect and hostage taker can be allowed to move to a more controlled area where it would be tactically advantageous to apprehend the suspect. Officers are not authorized to use firearms if there is a reasonable likelihood that they might strike the victim or an innocent bystander.

ROBBERY NOT IN PROGRESS

12. If the suspect(s) are gone from the scene when the first unit arrives, the officer should do several things immediately:
13. Render first aid to any physically injured;
14. Obtain any additional information about the suspect(s) and broadcast it to all other units. Other units should begin a systematic search for the suspects and should not go on to the scene and watch the first officer take the report; and
15. Separate all witnesses. Do not allow them to discuss events of the crime or description of the suspect(s). If allowed to "compare notes", the version of the strongest-willed witness will prevail and it may not be the correct version.

PRE-LIMINARY INVESTIGATION

16. Whether an arrest is made at the scene or not, a complete crime scene investigation must be conducted. This will include:
17. Taking statements from all witnesses;
18. Processing for latent fingerprints;
19. Crime Scene Search for any other possible evidence left by the suspect(s); and
20. As soon as possible and practical composite drawings should be made for each witness. The Boone County Sheriff's Office as well as the Missouri State Highway Patrol, Division of Drugs and Crime Control (D.D.C.C.) Unit has a computer composite drawing program available.

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General Order #27

BANK ROBBERY RESPONSE

Authority of: Chief of Police

Effective Date: 10/16/2002

There is only one savings institution in the City of Sturgeon and the Sturgeon Police Department is the primary responding agency for that institution. Bank robbery can be an act of desperation by rank amateurs or a well-planned and executed operation by professional criminals. Either extreme has the potential of danger to all parties concerned. In any case, it is imperative that a systematic and pre-planned response be made to all bank alarms and reports of bank robberies.

PROCEDURES

1. Upon receipt of a bank alarm, the responding officer to call inside the bank on a designated line (573-687-3743) and/or wait for a bank employee to come out and meet them. (These instructions are from Boone County National Bank.)
2. Patrol unit will respond without lights and siren. Officers will drive with due regard for safety and should avoid screeching tires or similar actions that could alert the suspect(s) of the officer's approach.
3. The primary responding unit will proceed to an area where the doors of the bank can be observed, but the suspect(s) exit from the building is not blocked. All officers should familiarize themselves with the layouts and geography of the bank. During an actual robbery is a poor time to drive around looking for the best vantage point to place a patrol vehicle.
4. Other responding units will take up positions near the bank, but out of sight of any doors and windows. It is of the utmost importance that bank employees and patrons do not become hostages inside the bank. Officers will **not** enter or approach the bank while the suspect(s) remain inside. Officers should be prepared to move to a "take down" or arrest area as directed by the primary unit.
5. In the event that the alarm was an accidental trip or malfunction, one (1) bank employee (Retail Officer) will exit the building and approach the primary unit and indicate that everything is okay. Should more than one person leave the bank and approach the primary unit, it must be assumed that one individual is a hostage and the other is the perpetrator.
6. If at all possible, the perpetrators should be allowed to leave the bank building. Hopefully, a bank employee will lock the doors behind them, if they are able to do so. The primary unit will then designate an area where the arrest is to take place. If at all possible, the suspect(s) should not be allowed to depart the area in a vehicle, as this will most likely result in a high-speed pursuit and possibly the escape of the suspect(s).
7. The primary unit, as soon as practical and possible, will notify the Sheriff and other agencies which may be of assistance in the apprehension of subsequent investigation.
8. During all phases of a bank robbery response, radio traffic will be restricted to emergency traffic only.
9. The same investigation procedures apply to bank robberies as are found in General Order #26; Robbery Response.
10. In summary, the primary considerations during bank robbery responses are in order:
 - a. The safety and well-being of bank employees, patrons and other innocent bystanders;
 - b. The safety and well-being of law enforcement officers; and
 - c. The apprehension of the suspects.

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General Order #28

BURGLARY INVESTIGATION

Authority of: Chief of Police

Effective Date: 10/16/2002

Residential and business burglaries present the Sturgeon Police Department with unique challenges and opportunities. The challenge lies in the fact that very seldom is there an eyewitness to the crime. However, there is also the opportunity to impress the victim with your competence, professionalism and thoroughness as an investigator.

The victim of a residential burglary feels that the sanctity and safety of his/her home has been violated. They may have suffered the loss of irreplaceable keepsakes and other articles of value. The victim of a burglary may have sustained a considerable financial loss.

Few things in law enforcement will give an officer greater satisfaction than bringing a burglary investigation to a successful conclusion and recovering stolen property.

PROCEDURES

1. Upon arrival at the scene of a burglary, a complete search of the premises should be conducted if there is any possible chance that the burglar is still there.
2. Following the initial search, the information for a Police Report should be obtained from the victim. All possible efforts should be expended to obtain serial numbers or owner applied numbers or markings for each article of missing property. Fair market value of all items should be listed, if available.
3. Always ask the victim about possible suspects or suspicious person(s) who have been observed in the area. Ask the victim his/her reason for naming a specific suspect. In addition, ask about friends or acquaintances who were aware of the location of the missing property or who had expressed interest in the property.
4. After interviewing the victim and obtaining the necessary information for your report, the latent investigation should begin. The investigation should follow the route utilized by the burglar. Trace his movements from the approach to the point of entry, movements inside the building to his point of exit.
5. Photographs should be taken of each area of interest along the route beginning with an overview of the building or property. Each piece of physical evidence that is discovered should be photographed along with the point of entry.
6. An attempt should be made to process all items that may have been touch for latent fingerprints. After developing the latent prints, they should be photographed, one by one, prior to any attempt to lift them. Items that are movable and require processing for latent prints should be: protected, packaged and brought to the officer for processing. This is especially true for items that will require special process such as ninhydrin or super-glue fuming.
7. Photos should be taken of significant tire tracks, footprints or tool marks if the case justifies it.
8. Following the processing of the scene, a neighborhood canvass should be conducted. There might be someone who saw something of significance. Such people may not come forward on their own. You have to ask. Canvasses should be done in person, not on the telephone. *People will tell you more in person than they will on the telephone.*
9. When the Police Report is prepared, it is the responsibility of the reporting officer to make sure that all stolen property that has an identifying number is entered into the MULES/NCIC computer system. A list should also be made of property not meeting NCIC criteria.
10. Contact should be made with area pawnshops to ask for their cooperation in watching for stolen items.
11. Officers should strive to be more than just "report takers". Officers should utilize the opportunity to impress the citizen/victim with his/her professional conduct.

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General Order #29

BURGLAR ALARM RESPONSE

Authority of: Chief of Police

Effective Date: 10/16/2002

Many businesses and residences in Sturgeon have an alarm directed to Boone County Sheriff's office. Most alarm calls are the result of a malfunction or accidental trip, however, all alarm calls should be treated as if an armed burglar were hiding inside until such time as the building has been completely searched and cleared.

PROCEDURES

1. Officers responding to a burglar alarm shall proceed in a Code II status. Exigent circumstances must exist before a Code III response is justified. The nearer to the scene the officer gets, the more slowly he/she should drive in order that the officer may observe the area and note anyone walking or driving rapidly from the scene. License numbers can be noted and relayed to a back-up unit so that the vehicle or pedestrian can be checked.
2. Responding units should shut off any radar equipment during the approach to the scene. Battery operated radar detectors can provide burglars with an early warning of the approach of a patrol vehicle. Remember also, that the most experienced burglars carry portable scanners with them.
3. As you approach the area, do not disregard large, expensive vehicles leaving the scene. Good burglars prefer them because of the additional space in which to haul property and the deference sometimes shown by police to the drivers of the expensive cars. In addition, do not disregard "lovers" parked in an area. They make excellent lookouts and can warn the burglars of your approach either by radio or some other pre-arranged signal.
4. Upon arrival at the scene, a one-man unit should drive around the building and attempt to locate a point of entry. If one is located, remain outside and call for back-up units. If a two-man unit is present, or two units respond to the call, they should position themselves on opposite corners of the building. Each officer can then observe two sides of the building.
5. No attempt should be made to enter the building until sufficient back-up units are present to contain the perimeter during the building entry and search. Entry should not be made until a member of management is present.
6. If a K-9 unit is available, the K-9 unit should conduct the building search. If not, an entry team consisting of one or more officers should enter the building. The manager or homeowner should lock the doors behind the entry team and remain outside with the perimeter officer(s) until the building is cleared.
7. A systematic search of the building should be conducted, including all rooms, restrooms, shelves, cabinets and anywhere else a person could hide. Do not overlook even the smallest places.
8. Lights should be turned on as an area is cleared to show which areas have been searched and to ensure that a suspect will not sneak into an area already cleared.
9. Officers should be alert to possible points of entry that were not visible from outside. This includes the roof of the building. A false ceiling is a good hiding place for a burglar.
10. Officers searching the inside of a building should turn their portable radios down or off while conducting the search. A blaring radio can alert the burglar of your position.
11. Extreme caution should be exercised during the building search. A burglar may be armed and has the advantage of being able to remain still while the search team must move. Caution and discipline must be observed to prevent accidentally shooting a fellow officer. For this reason, many officers prefer to enter a building alone.
12. If a burglar is located and apprehended, do not assume that he is alone. One officer can take charge of the prisoner while the search continues. Ask the prisoner where his partner(s) is located. Tell the prisoner that if anyone is shot, he will be charged as well as the shooter. That may convince the prisoner to reveal the whereabouts of his accomplice(s), if any.

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General Order #30

HOMICIDE/MAJOR CRIME SCENE INVESTIGATION

Authority of: Chief of Police

Effective Date: 10/16/2002

Homicide, or death, investigation begins with the response to a call, or with an officer's initial observance during an on-view situation. As with all major investigations, it is only through a concerted team effort that a case can be brought to successful conclusion. Every officer involved in a major investigation has his/her function to perform. The following guidelines are not all-inclusive, but serve to outline the complexities of a major crime scene investigation.

GUIDELINES

1. Officers should proceed to the scene of a homicide with deliberated, but not reckless speed. Be observant for suspects fleeing either on foot or in a vehicle. Officers should be suspicious of vehicles being driven at a high rate of speed or in an erratic manner, an individual who attempts to hide from view, or a person who appears to have been in a struggle.
2. The first officer to arrive has the responsibility to protect the scene. He/she should assess the situation and call for such other officers and personnel, as it may be necessary. Depending on the circumstances, that may include ambulance, back-up units, detectives, the Sheriff, Chief Deputy and the Coroner. Always keep the dispatcher (Joint Communications) informed.
3. Everyone should be moved out of the crime scene, and the scene should be barricaded. Mylar Crime Scene Tape works well for this purpose. Allow only those who have a direct responsibility into the scene. This includes medical personnel. If the victim is clearly deceased, allow only one medical practitioner into the scene and only for the purpose of confirming that the victim is deceased. Exclude all others. If there is a chance of saving a life, medical personnel are necessary; if not, they are excess baggage and will contaminate the crime scene.
4. When choosing the area to be barricaded, be sure to include all areas that will possibly be processed for evidence. This includes possible areas of entry and exit from the crime scene.
5. Neither the press nor other dignitaries (elected officials) should be allowed into the crime scene. Inquiries from the media or from elected officials should be politely referred to the Chief.
6. As soon as the scene is secured and barricaded the first officer should collect the names and addresses of any and all possible witnesses. Witnesses tend to attempt to disappear in the crowd.
7. Record license numbers and descriptions of all cars parked near the scene for later follow-up investigation.
8. Caution should be exercised when entering a scene. The perpetrator may be present and be a threat to officers. A live, injured victim may also pose a threat to responding officers.
9. If there is a suspect on the scene then necessary steps should be taken to neutralize any threat to the safety of officers or other persons present. It may also be necessary to protect the suspect from friends or family of the victim. Under such circumstances, it is imperative that the suspect be arrested and removed immediately from the scene.
10. If a suspect begins to make a Res Gestae statement, do not stop him. Any spontaneous utterances are admissible in court so long as they are not in response to custodial interrogation.
11. After the suspect has been arrested, handcuffed and patted down, the Miranda warning should be read to him/her. (This can be repeated later at the office and a written waiver obtained.)
12. It remains the responsibility for the first officer on the scene to stay with and guard the integrity of the scene until relieved or until the scene is released.
13. The Chief will assign responsibility for the on-scene investigation to one officer, probably in advance. This officer will have the responsibility of coordinating all aspects of the on-scene investigation.
14. Each item of interest or evidence should be photographed prior to collection. It is usually a good practice to work from the outside of a crime scene toward the body or location of the crime. A body should be

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- photographed from all angles including directly above, prior to being moved. When the body is first moved, roll it over and photograph the underside as well as the surface under the body. Use 35 mm color film for all crime scenes as well as one set of Polaroid's.
15. When photographing, special attention should be given to the perpetrator's path of entry to, and exit from, the crime scene.
 16. The temperature and humidity should be noted at the time of investigation. This information can later be of assistance to the coroner in determining the approximate time of death. A body loses 1.5° F per hour from the time of death in an environment of 70° F.
 17. The absence or presence of rigor mortis in the body should also be noted. Rigor usually sets within 2 to 7 hours after death and leaves the body within 24 to 36 hours. These times are directly affected by ambient temperature and humidity. Rigor usually sets in the smaller muscle groups first and then proceeds to the larger muscle groups.
 18. The presence of post-mortem lividity should also be noted and photographed. Lividity is a reddish discoloration caused by the settling of blood within the body. Lividity will develop on the lower portion of the body. Lividity on any other portion or location is an indication that the body has been moved.
 19. Following the photographing of the crime scene, a sketch should be made to scale with each point of interest shown and triangular measurements taken. Triangulated from fixed points such as a large rock, tree or edge of roadway on an outdoor sketch; and from corners or a base line such as a wall on an indoor sketch. Make a rough sketch. At the scene showing the appropriate measurements. A finished sketch can be made later.
 20. Both a photo log showing the time, date, film camera, photographer, film speed and F-stop, and an evidence lot, cross-referenced to the crime scene sketch should be made. (F-stop and shutter speed need not be recorded if an automatic camera is used).
 21. One officer will be appointed Evidence Officer and will actually collect and log each item seized as soon as it is photographed in place and sketched. The item should be packaged according to the directions and guidelines set forth in the Forensic Evidence Handbook, published by the Missouri State Highway Patrol Crime Lab.
 22. If the body is not fresh and carrion insects are present on the body or in the clothing, samples should be collected as evidence.
 23. Samples of any bodily fluids should be taken. Evidence containing bodily fluids should never be placed in plastic. The sample will spoil before it can be delivered to the lab. Bodily fluids should be allowed to air dry and then be packaged in paper bags.
 24. The crime scene should be processed for latent prints as part of the evidence gathering process. Movable items may be seized and processed at the Sheriff's office or the laboratory. Large items need to be processed at the scene.
 25. All evidence will be signed over to the Evidence Officer who will repackage, if necessary, and submit to the laboratory.
 26. A copy of the Offense Report will be submitted to the lab along with a list of the examinations that need to be performed.
 27. A post mortem examination (autopsy) must be performed in homicide cases. An autopsy will provide, among other things, the following information:
 - a. The exact cause of death;
 - b. A good estimation of the time of death;
 - c. What type of weapon caused death;
 - d. Associative evidence such as bullets, fragments, etc.;
 - e. If multiple, which would actually cause death;
 - f. How long the victim lived after injury;
 - g. From what direction the force was applied;
 - h. Evidence of struggle or self-defense;
 - i. Evidence of rape or sexual assault; and
 - j. Alcohol or other drugs in the body.
 28. The body should be fingerprinted and foot printed.

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29. Standard hair samples should be obtained from the head, eyebrows, pubic area, anus, armpit, legs and chest.
30. An officer should attend the autopsy to photograph it and take custody of any evidence. This evidence should be packaged and turned over to the Evidence Officer.
31. The Chief, at his discretion, may request activation of the Major Case Squad. In that event, the Squad will process the crime scene.
32. As soon as practical following the process of a crime scene, follow-up interviews should be conducted of all witnesses. Written statements should be taken from all witnesses. **Do not attempt to save time by allowing a witness to write his/her own statement.** You will get far more detailed statements if you pull it from their memory and write it down yourself. Allowing a witness to write his/her own statement make you look lazy and incompetent.
33. Canvas the neighborhood surrounding the crime scene. Someone saw something; it is up to you to find that someone.
34. Family members must be interviewed to determine the victim's background and to develop possible suspects. In the majority of cases, the interview of family and friends of the victim will lead to the suspect being identified.

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General Order #31

HOSTAGE SITUATIONS

Authority of: Chief of Police
Effective Date: 10/16/2002

At virtually any time and/or any place, a situation may develop where a person is taken and held hostage. This situation may occur in the County Jail, during the commission of an armed robbery, at the scene of a domestic disturbance or many other incidents or combination of circumstances. The primary concern of all officers must be the safety of the hostage(s) and other innocent parties. The following procedures are established to ensure a standardized, effective response to a hostage situation.

PROCEDURES/GUIDELINES

1. In all hostage situations, the Chief must be notified immediately.
2. The officer(s) discovering the hostage situation should immediately establish a containment perimeter around the area where the hostage is being held. Assuming that the hostage-taker is armed, officers should always maintain adequate cover and concealment. Surrounding houses and buildings should be evacuated to minimize the possibility of injury to bystanders.
3. After the perimeter is established with sufficient manpower and the suspect(s) contained, contact should be established with the suspect(s). This can be accomplished through regular phone service, cellular phone, the sending in of a portable radio (walkie-talkie) to the suspect, or by loudspeaker. The use of telephones (regular or cellular) is by far the most preferable means of communication with the suspects.
4. One individual should act as a hostage negotiator. Every effort should be made to utilize a person who has received specialized training in Hostage Negotiation. Missouri State Highway Patrol, Troop F has several officers that are trained negotiators, if one is not available within our own office.
5. There should always be a buffer of at least one person (the negotiator) between the hostage taker and the person with the authority to grant concessions or authorize certain actions. Consequently, the Chief shall refrain from negotiating directly with the hostage takers. Each request or demand that the hostage taker makes must be cleared through the Chief who is, to the knowledge of the hostage taker, at some other location or otherwise not immediately available. This buys time and assists the negotiator in keeping control of the situation.
6. The Chief shall have final authority to approve or disapprove any negotiation actions(s) or tactical operations.
7. In the event that the Chief is taken hostage, the Ranking officer of the Missouri State Highway Patrol shall assume all authority for making decisions concerning the hostage situation.
8. The Chief, at his discretion, may request development from the Boone County Hostage Rescue Team (H.R.T.) or Missouri State Highway Patrol Special Emergency Response Team (S.E.R.T.).
9. Before and during the negotiations, an attempt shall be made to determine the number, names, locations and condition of the hostage and hostage takers.
10. The designated negotiator shall:
 - a. Gather information about the hostages and takers;
 - b. Analyze any demands or requests made;

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- c. Brief the Chief on the negotiation progress;
 - d. Pace the process to prevent the suspect from becoming impatient;
 - e. Keep the hostage taker calm; and
 - f. Try to establish a rapport with the hostage taker.
11. The negotiator must negotiate from a position of strength. The suspect has the hostage, but the authorities have the suspect contained. Negotiations are an attempt to resolve the situation to the satisfaction of all parties.
 12. The primary concern of the negotiator is the safe release of all hostages. We will not trade one hostage for another, nor will we trade weapons for a hostage. Other decisions will be made on a case-by-case basis.
 13. Officers manning the perimeter will maintain firearms discipline and will take no aggressive action except on command. No rescue attempt shall be conducted without permission from the Chief or ranking authority at the scene.
 14. Nothing in this order should be construed as to prevent an officer from using aggressive action and/or deadly force to protect his life or the life of another person.
 15. With patience, discipline and persistence, most hostage situations can be successfully resolved without loss of life.

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General Order #32

INTERVIEWS

Authority of: Chief of Police

Effective Date: 10/16/2002

An interview is a face-to-face conversation for the purpose of eliciting information from the individuals who may possess knowledge of a crime or its circumstances. Interviews are the heart of any criminal investigation. It is probably the most important part of the investigative process.

GUIDELINES

1. In a criminal investigation, all interviews are considered important until proven otherwise. If the interview is important, it should be conducted in person, not over the telephone.
2. Remember that witnesses tend to report things based on their own perceptions, interests, priorities and biases. It is the job of the interviewer to extract not only the information that the witness has, but also an understanding of the witness' potential competency and credibility in court.
3. Prior to, during and after the interview, the officer must consider the witness' age, level of intelligence, mental state, relationship to individuals involved in the case and other background characteristics that influence the statement, or otherwise have a bearing on the case.
4. An interviewer should not accept any witness statement as face value. He/she must question and re-question, check and re-check until satisfied that the information given is as reliable as possible.
5. During the interview, privacy is of utmost importance. The interviewer must be in control at all times. It is best to conduct most interviews at the Sturgeon Police Department.
 - a. The beginning of an interview is the time where the interviewer establishes a rapport with the subject and gets them used to talking. The interviewer should find some common ground with his subject. The interviewer can make small talk; i.e.: complain about the government, tell jokes or stories, whatever it takes to get the subject to open up.
 - b. The middle of the interview is the period when the necessary information is elicited from the subject. It is a good practice to have the subject go over his observations once prior to writing anything down. When the interviewer is ready to reduce the statement to writing, he/she should write it. The subject should be asked to start at the beginning. The statement should be written in a first person narrative. Open-ended questions, such as "What happened next?" are essential to get the details in a cohesive and comprehensive manner.
 - i. The statements should be written in chronological order the way that the witness tells it. The interviewer may ask for clarification about something, but should not argue with the subject.
 - ii. When the interviewer is finished writing the statement, the subject should read it, date it and sign it. If there is anything in the statement that the subject objects to, it should be changed and the change initialed by the subject. The interviewer should sign his/her name as a witness to the statement.
 - c. The last part of an interview consists of thanking the subject for his/her help and cooperation. The witness should leave the interview with the feeling that he/she is a good citizen and that his/her assistance was invaluable in the progress of the case. When a citizen goes away from the interview with this attitude, he/she is much more likely to cooperate in the future with the Sturgeon Police Department.

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General Order #33

INTERROGATIONS

Authority of: Chief of Police

Effective Date: 10/16/2002, Amended 2/28/2011- Ord. 736

Interrogations differ from interviews in several ways. Both are an attempt to gain information. In most interviews, the subject is cooperative or at least not openly hostile. In contrast, an interrogation is an attempt to elicit information from a criminal suspect that he/she does not really want to reveal.

GUIDELINES

1. The objects of an interrogation are:
 - a. To gain facts about the crime or criminal activity;
 - b. To eliminate the innocent;
 - c. To identify the guilty; and
 - d. To obtain a confession.
2. Planning and preparing for an interrogation is critical. The interrogator, before starting the interrogation, must know as much as possible about the suspect, about the details of the crime and the elements necessary for conviction for that specific offense.
3. "Miranda" warnings may have been read to the suspect from a car in the field; however, a written waiver of the suspect's "Miranda" rights should be obtained at the beginning of the interrogation.
4. It is absolutely mandatory that the interrogator controls the environment and progress of the interrogation. Absolute privacy is essential. A formal interrogation should be conducted at the Sturgeon Police Department or Boone County Sheriff's Department.
5. Ideally, the room chosen for the interrogation should contain nothing to distract the suspect. This includes pictures, plaques, charts, calendars and telephones. The seating should be arranged so that there is not a barrier between the interrogator and the suspect.
6. One-on-one interrogation has a much higher success rate. A suspect will tell one person things that he won't tell to two people. If, for some reason, it is necessary to have two officers present in the room, one person should do all of the talking.
7. It is best if the interrogator can establish a rapport with the person being interrogated. The interrogator must appear to be caring and concerned about the suspect as a human being. The interrogator must not voice any moral judgments or display any disgust about what the suspect has done. It is necessary for the interrogator to create a climate that is most conducive for the suspect to confess.
8. Saving face is important to a suspect. The interrogator must allow the suspect to save face in any area that he feels the need, except where the elements of the crime are concerned.
9. Initially, the interrogator should listen to what the suspect says. He should ask open-ended questions. In the latter stages of the interrogation, the interrogator should not allow the suspect to say anything that is known to be untrue.
10. Once suspect has confessed, the interrogator should write the statement. Having the statements cover all the elements of the crime outweighs the minimal value that is gained by having the statement in the suspect's own handwriting. The interrogator knows what elements have to be proven in court; the suspect probably does not.
11. The witness statement should contain a restatement of the suspect's "Miranda" rights, a clause that states that the statement is being given voluntarily without threats or promises and finally, it should contain all the elements of the crime. **The statement should provide all the facts and details of the crime and should answer all the basic questions of who, what when, where, why, how, with what, with whom and how much.**
12. If a suspect, who the interrogator knows is guilty, refuses to admit guilt or confess, but is willing to give a statement, then the interrogator should take the statement even if he believes or knows it to be untrue. Once a suspect gives a written statement containing certain untruths regarding an alibi or other circumstances, he/she is stuck with that story. The prosecutor can use the statement against the suspect in court.

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POLICY REGARDING RECORDING OF CERTAIN CUSTODIAL INTERROGATIONS:

(Ord. 736 Approved and Effective February 28, 2011.)

A. As used in this section of this General Order #33, the following terms shall have the following meanings:

"Custodial interrogation" means the questioning of a person under arrest, who is no longer at the scene of the crime, by a police officer with the Sturgeon Police Department along with the answers and other statements of the person questioned. But "custodial interrogation" shall not include: (1) A situation in which a person voluntarily agrees to meet with a police officer with the Sturgeon Police Department; or (2) A detention by the Sturgeon Police Department that has not risen to the level of an arrest; or (3) Questioning that is routinely asked during the processing of the arrest of the suspect; or (4) Questioning pursuant to an alcohol influence report; or (5) Questioning during the transportation of a suspect.

"Recorded" and "recording" mean any form of audiotape, videotape, motion picture, or digital recording.

B. All custodial interrogations of persons suspected of committing or attempting to commit murder in the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, forcible rape, forcible sodomy, kidnapping, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible.

C. The Sturgeon Police Department may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but the Sturgeon Police Department shall not be required to record a "custodial interrogation" as defined above in subsection A under the above subsection B of this section: (1) If the suspect requests that the interrogation not be recorded; or (2) If the interrogation occurs outside the state of Missouri; or (3) If exigent public safety circumstances prevent recording; or (4) To the extent the suspect makes spontaneous statements; or (5) If the recording equipment fails; or (6) If recording equipment is not available at the location where the interrogation takes place.

D. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have any impact other than that provided for in Subsection 5 of Section 590.700, Revised Statutes of Missouri, concerning possible withholding of state funding to the Sturgeon Police Department. Compliance or noncompliance with this section shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action.

General Order #34

SEX CRIMES

Authority of: Chief of Police
Effective Date: 10/16/2002

The investigation of sex related crimes can be of a highly sensitive nature. A victim of such a crime can feel just as victimized by an insensitive investigation as he or she did by the original crime.

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General Order #35

BOMB THREATS

Authority of: Chief of Police

Effective Date: 10/16/2002

Historically, the overwhelming majority of bomb threats are unfounded. However, due to potential danger should there actually be an explosive device, a standardized response is necessary to avoid any damage or injury to persons or property.

PROCEDURES

1. The officer receiving the bomb threat via telephone or informant should collect as much information as possible concerning the location of the bomb, nature of the device, time it is due to detonate, reason for the placement of the bomb, etc.
2. Immediately after receipt of a bomb threat, the person receiving the threat shall notify the Chief and he will notify other officers as he deems necessary.
3. The Chief, or his designee, shall notify the appropriate Fire Department via telephone. Notification shall not be made via radio frequency.
4. The Chief, or his designee, shall notify the person in charge of the premises where the bomb is purported to be in order to receive instructions/information on response and/or evacuation.
5. If the device is purported to be on private property, we can only recommend evacuation, we cannot order it. If a property owner or person in charge cannot or will not make a decision regarding evacuation, the Chief or highest-ranking officer present will make the decision based on what information is available. If this occurs, the dispatcher will be instructed to make a log entry documenting the refusal of property owner/agent to make the decision.
6. If a search for an explosive device is indicated, officers shall do so with personnel that are familiar with the facility/building to be searched. Any suspicious items found will not be disturbed.
7. In the event a suspicious device is found, only trained individuals should be allowed to closely examine or attempt to dispose of the device. Bomb disposal personnel are available from Missouri State Highway Patrol (Troop F), Missouri National Guard and the U.S. Army Fort Leonard Wood.
8. In the event of an actual device, deputies shall provide perimeter security and traffic control.

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General Order #36

COLLECTION, PACKAGING, MARKING & PRESERVATION OF EVIDENCE

Authority of: Chief of Police

Effective Date: 10/16/2002

Forensics is too comprehensive a topic for an all-inclusive instruction guide to be listed in this General Order. Copies of *Forensic Evidence Handbook*, published by the Missouri State Highway Patrol Crime Laboratory are available at Troop F headquarters and will provide more detailed information in dealing with forensic evidence. This order is only meant to emphasize the importance of properly collecting, packaging, marking and preserving physical evidence.

GENERAL

All items of evidence should be packaged in multiple containers – containers within containers. For example, the bullet removed from a body should be placed in cotton batting within a small pill bottle or used film canister. This should be marked and sealed with evidence tape. This package should be placed in a suitable box, labeled and sealed. This package can then be placed in a larger evidence bag that might also contain other suitable packaged pieces of evidence from the same case.

Each container should be marked with the name of the Department, title of the case, kind of case, case number, time, date and location where the evidence was collected, name and badge number of the officer collecting the evidence, the contents of the container and the officer's signature or initials.

Should the outer container be damaged in transit or lost or discarded at the laboratory, the pertinent information will still be attached to the inner container.

A copy of the Police report and evidence log, along with a sketch of the crime scene (indicating where each piece of evidence was located) should be sent to the lab with the evidence.

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General Order #37

HAZARDOUS MATERIALS INCIDENTS

Authority of: Chief of Police

Effective Date: 10/16/2002

Hazardous Materials Incidents (HMI) can occur at any time, generally with little or no warning. When HMI's do occur, they have the potential for causing serious harm. Consequently, upon such occurrences, person(s), property, animals and the environment need to be protected from potential exposure. Three types of HMI's can occur within Boone County; these include fixed facilities, transportation and underground pipelines.

Fixed Facility Incidents and Underground Pipeline

When an incident occurs at a fixed facility or involving an underground pipeline, there are usually qualified employees available to advise of chemical properties, handling and clean-up procedure for the material(s) involved. Industrial and commercial facilities that handle hazardous material are required to have emergency response plans and trained responders. In addition, they may have equipment that could be made available during emergencies.

Transportation Incidents

A transportation incident involving hazardous material could happen virtually at any time or place in Boone County. HMI's are most likely to occur along U.S. Highway 63, west of Sturgeon or on Highway 22 north of Sturgeon. An incident could occur on the many miles of railway and switching spurs. Since major highways and railways transport hazardous materials to and through Boone County, the probability of an HMI is very real.

Notification Procedure

Joint Communications shall, upon receiving the initial notification via telephone or radio transmission notify the following personnel:

1. Boone County Fire Department that there is a possible hazardous material release;
2. The Boone County Ambulance Service;
3. The Boone County Sheriff and Chief Deputy;
4. The Emergency Management Director;
5. The Presiding Commissioner of Boone County; and
6. The Missouri Department of Natural Resources and the United States Environmental Protection Agency if the incident so warrants.

Initial Emergency Responders

Any time there is a response to a hazardous materials incident, law enforcement will be present and assist. Law enforcement personnel will be responsible for isolating the scene, restricting or rerouting traffic, evacuating residents and/or employees, performing crowd control and other related law enforcement activities.

Deputies should approach an HMI with extreme caution. The initial approach should be from upwind and up grade. Observe from a safe distance; use binoculars if necessary. If possible, interview the driver, conductor/engineer, facility operator, employees, etc. to determine the extent of the spill/release and identify the material(s) involved.

Officers should:

1. Isolate the area;
2. Avoid contact with material, fumes, dust, etc.;
3. Identify all persons who might have been injured or exposed; and
4. Rescue injured persons without endangering the lives of rescuers.

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General Order #38

CHEMICAL AGENTS

Authority of: **Chief of Police**

Effective Date: 10/16/2002

Products containing oleoresin capsaicin (OC) are the only chemical agents approved for use by department members. Additionally, only those products that are specifically designated/manufactured for "Law Enforcement Use" are approved.

The use of OC chemical agents ("Pepper Mace") is legally considered an application of force. Therefore, chemical agents are contained in the force continuum listed in **GENERAL ORDER #4 USE OF FORCE**.

Authorized Use

Officers are authorized to use pepper mace when they reasonably believe it is necessary to:

1. Protect themselves or others from physical harm;
2. Prevent the escape of a prisoner from custody or confinement;
3. Restrain or subdue a combative individual; or
4. Bring an unlawful situation safely and effectively under control.

Maintenance and Safety Factors

1. Officers should test fire their pepper mace every three months to check pressurization and spray pattern.
2. Empty canisters and those having problems or defects, should be safely discarded and replaced.
3. The pepper mace shall be carried in an appropriate pouch or carrier on the duty belt. Appropriate care should be taken to ensure against accidental discharges.
4. Any time chemical agents are used to control/subdue an offender, the application of the chemical agents will end when the offender discontinues resistance or aggression.
5. After using pepper mace on an individual, decontamination procedures, as recommended by the manufacturer, should be administered as soon as safety allows.

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General Order #39

PROBATIONARY EMPLOYMENT PERIOD

Authority of: Chief of Police

Effective Date: 10/16/2002

Probationary Employment Period was developed to provide employees with a period of time to adjust and adequately learn all aspects of the job. This time is also provided to him/her as an incentive to become a productive employee.

1. When an individual is initially hired as an employee of the Sturgeon Police Department, he/she will be placed on probation for a period of six months or at the discretion of the Chief of Police.
2. If the employee is successful in receiving a rating of acceptable or above on the Probationary Performance Appraisal Standard, the employee will be removed from probation. See **General Order #16 for PERFORMANCE APPRAISAL STANDARD.**
3. Should at any time during the probationary period, the employee fails to meet the expected requirement, receives numerous reprimands (verbal or written), brings the office of Sturgeon Police Department into that of disrupt, violates the law, fails to maintain a positive working relationship with other staff members or fails to learn normal operating procedures, the employee's probation may be extended for a determined period of time, or employment may be terminated.
4. When an employee who is currently employed with Sturgeon Police Department is promoted to Assistant Chief, he/she will then be placed on probation for a period of six months.
5. Should an employee who has been promoted fail to meet the requirements of the promotional or transferred job assignments and receive less than acceptable on the Probationary Performance Appraisal Standard, the Chief may elect to demote and/or transfer the employee to his/her original job assignment. In saver circumstances, termination of the individual's employment may occur.

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GENERAL ORDER #40:

Effective Date: August 27, 2012

POLICY REGARDING A FULL-TIME POLICE OFFICER LIVING OUTSIDE CITY LIMITS TAKING HOME A CITY PATROL VEHICLE

1. It is hereby the policy of the City of Sturgeon, Missouri that a full-time police officer for the City of Sturgeon, Missouri living outside the City of Sturgeon city limits is hereby permitted, in accordance with this policy and with the written consent of the Police Chief for the City of Sturgeon, Missouri if a City of Sturgeon, Missouri police patrol vehicle is available, to choose to be provided a police patrol vehicle to be driven to the full-time police officer's residence for later use by the police officer only as an official duty police patrol vehicle (1) when called into service in an unscheduled "call out" including an emergency situation, (2) to later return to normal scheduled duty as a full-time police officer for the City of Sturgeon, Missouri, and (3) to travel from the police officer's residence directly to a law enforcement training session previously approved by the Police Chief for the City of Sturgeon, Missouri for the police officer to attend.

2. To be permitted to choose to use this policy, the full-time police officer for the City of Sturgeon, Missouri living outside the City of Sturgeon city limits shall reimburse the City of Sturgeon, Missouri for a portion of the gasoline used in the police patrol vehicle, to be determined by the Chief of Police on a case-by-case basis for each such full-time police officer based on the number of miles the police officer must travel from the officer's residence to the Sturgeon city limits. The partial reimbursement amount formula shall be calculated on a case-by-case basis by the Police Chief using the current price of gasoline paid by the City of Sturgeon, Missouri for such patrol vehicle at the time of the calculation, and the dollar amount of the partial reimbursement shall be prorated on a bi-weekly basis and automatically deducted every two weeks from the police officer's regular compensation paid by the City of Sturgeon, Missouri as long as the partial reimbursement amount remains unpaid.

3. The full-time City of Sturgeon police officer or the Police Chief may decide at any time, for any reason, in writing, to end the arrangement allowing the police officer to take home a City of Sturgeon police patrol vehicle to the officer's residence pursuant to this policy.

4. The full-time police officer for the City of Sturgeon, Missouri, while driving a police patrol vehicle to or from the police officer's residence in accordance with this policy, shall follow all Missouri traffic laws, including traffic laws that regulate driving an emergency vehicle in an emergency situation. The police officer shall use all patrol vehicle lights and the patrol vehicle siren while driving the police patrol vehicle as an emergency vehicle in an emergency situation above the speed limit or otherwise contrary to any traffic signs intended for non-emergency vehicles.