

March 4, 2005

DEPARTMENT MEMORANDUM NO. 05-06

SUBJECT: Bonding/Implementation of Corrections Management System (CMS)

RESCINDS Procedural Instruction 98-5 and 98-5A, entitled, "Bonding – General Ordinance and Traffic Violations." Annex J of Procedural Instruction 03-9, entitled, "Arrest Guidelines." Department Memorandum No. 02-22, entitled, Multiple Charges – BOOKEM System.

I. PURPOSE

To update bonding procedures due to the implementation of the Corrections Management System (CMS) for persons who have been arrested for general ordinance violations and/or traffic violations.

II. TYPES OF BONDS AUTHORIZED

A. Cash Bond

A cash bond is made by depositing the amount of money for the violation involved as suggested by the Kansas City Municipal Division of the 16th Judicial Circuit Court (Municipal Court). Bond may be deposited by the principal or a surety.

B. Personal Checks/Payout Fines

Personal checks can only be written for "payout" fines, however, starter checks will not be accepted. Checks must be made payable to the "Clerk of the Municipal Court" in the exact amount of the payout fine. Valid identification must be presented by the check writer in person and the person's social security number must be written legibly on the check for accountability purposes. Personal checks can also be written by anyone, including third parties, with proper identification and can be written with out-of-state checks.

C. Money Order, Traveler's Check, Cashier's Check, Certified Check

The instrument must be made payable to the "Clerk of the Municipal Court" in the exact amount of the bond.

* D. Surety Bond by Qualified Bonding Companies

The Circuit Court furnishes the department with the list of qualified bonding companies authorized to make bonds. Licensed agents of qualified bonding companies may sign as surety for the release of a prisoner.

E. Auto Club Bond (AAA, American Oil Club, etc.)

A current membership card must be produced and will be either stapled or, if unable to staple, placed in a small envelope and then stapled to the bond receipt. The card will be held by the court until after the defendant's appearance. Bond may not be valid for certain charges as indicated on the membership, i.e., driving while intoxicated, leaving the scene, failure to appear bench warrants, etc.

F. Casualty Company Bond

An agent of the company must appear in person with the notarized power of attorney for the company. The power of attorney is surrendered and stapled to the bond receipt. A separate power of attorney is required for each charge.

* G. Priority Release Bond (PRF – PRS – PRM)

A priority release bond is used to release a person on his/her own recognizance (ROR) without a cash deposit or other surety in circumstances where such is ordinarily required. The person authorizing a priority release bond is not a surety and will not sign as surety (See Section III, G).

III. BOND DETERMINATION GUIDELINES

A. Officers have the discretion to permit signature bonds on GOS arrests, with the following exceptions:

1. The arrestee refuses to sign the promise to appear on a GOS.
2. The arrestee has an outstanding warrant or has a prior record for failure to appear.
3. The arrestee is charged with escape or aiding escape from the Municipal Correctional Institution.
4. There is substantial likelihood that the offense would continue, or persons or property would be endangered, if a summons were issued without bond.
5. The aggravated circumstances of the offense or some other material factor, i.e., arrestee gives false information to police, increases the likelihood that the arrestee will fail to appear on written promise.
6. The arrestee is under the influence of intoxicating drugs or alcohol, unless the party can be released to a responsible adult.

7. The arrestee is charged with domestic violence.
 8. The arrestee's identity is in doubt.
- B. Persons arrested for traffic violations will be required to post bond when the violation involved the following:
1. Operating a motor vehicle under the influence of intoxicating liquor or drugs, or permitting another to operate said motor vehicle while under such influence.
 2. Leaving the scene of an accident. Exception: An on-duty Kansas City Area Transportation Authority bus driver may be released on a signature bond when issued a Uniform Traffic Ticket (UTT) for leaving the scene of a non-injury vehicular accident.
 3. Driving with a suspended or revoked driver's license.
 4. Fleeing or attempting to elude an officer.
 5. Operator refuses to sign the UTT.
 6. Operator's identity is in doubt and/or operator gives false information.
 7. The operator has an outstanding warrant. The officer may use discretion, depending on the circumstances.
- * C. Any juvenile at least fifteen and one-half years of age, who is alleged to have violated a non-felony state or municipal traffic ordinance will be treated in court as an adult traffic violator. He/she will be released on a signature bond, as outlined in this directive. In all other cases involving juveniles, refer to Procedural Instruction entitled, "Juvenile Apprehension Procedures."
- D. A drivers license will not be accepted in lieu of bond.
- * E. Arrested persons who are required to post bond will be transported or escorted to a patrol division station. Detention personnel at the station will ensure that arrestees are given at least four hours to post bond before they are transferred to the Detention Unit. If the four-hour period elapses, the desk sergeant may extend the period if doing so will enable the arrestee to make bond. This policy will be followed except in the following circumstances, which will require the arrest be transported to the Detention Unit.

1. Persons arrested for the following city ordinance violations will be transferred directly to the Detention Unit, at Headquarters, for processing:

a. Carrying or concealing a handgun or long gun. (The Fingerprint Identification Section will determine if fingerprints will be taken.)

NOTE: This pertains to individuals not authorized by State Statute to carry a concealed weapon.

b. When it is the person's first time offense for promoting prostitution, or agreeing to or performing an act of prostitution.

(1) These arrests may be transported to a patrol division where they will be booked in, their property recovered and packaged, and then transported to Headquarters Detention Unit where they will be fingerprinted.

(2) If a person has previously been arrested for one of these offenses, and a full set of their fingerprints are on file, that person will be transported to a patrol division where they will be booked according to Procedural Instruction entitled, "Arrest Guidelines."

NOTE: A full set of fingerprints are not required for male and female solicitors arrested during decoy operations. They will, however, be booked according to Procedural Instruction entitled, "Arrest Guidelines."

(3) Persons arrested on sex offense state charges will be transported to Headquarters Detention Unit where they will be booked and, fingerprinted according to Procedural Instruction entitled, "Arrest Guidelines."

c. Obstructing and resisting arrest.

d. Stealing, if the person has three prior convictions for stealing, or the value of property stolen is in excess of \$150.00.

NOTE: Notify the Fraud Unit prior to transporting the arrest, or the Violent Crimes Supervisor when the Fraud Unit is unavailable.

2. Arrestees who become extremely belligerent or refuse to give the necessary information for proper booking may be transferred to Headquarters Detention Unit at the desk sergeant's discretion. The desk sergeant will notify the Detention Unit supervisor prior to transporting.
3. Arrestees who claim or appear to be ill or injured will be transferred to a medical facility for examination. (Refer to Procedural Instructions entitled, "Ambulance Calls and Arrests Taken to Hospitals" and "Arrest Guidelines".)
4. If there is no likelihood of the arrest making bond within the four hour period, the arrestee will be transferred to Headquarters Detention Unit if holding the arrest at the patrol division will cause the person to miss the morning hold over docket.

* NOTE: The arrestee must be received at Headquarters Detention Unit prior to 0500 hours if they are to be placed on the 0900 video arraignment court docket. The arrestee must also be transferred to Headquarters prior to 0100, 0700, 1100, and 1700 hours if they are to receive a meal.

* F. If positive identification of the arrestee cannot be established due to lack of any identification material, the identification material presented is determined to be false, or cannot be confirmed via computer data, the arrestee will be transported to a patrol division station and booked on the identification provided by the arrestee. A fingerprint will be obtained and faxed to the Fingerprint Identification Unit with a copy of the charges. The arrestee will be held at the patrol division station until positive identification is confirmed by the Fingerprint Identification Unit. The arrestee will only be transported directly to the Headquarters Detention Unit when criteria set forth in Section III, E. of this policy have been met.

* NOTE: If a fax machine with an adjustable resolution is used to fax the fingerprint to the Identification Unit, the **superfine resolution** will be used.

* G. Priority Release of Arrests

* 1. A person in custody for a municipal charge on a GOS/UTT may be priority released (released on signature) when that person has pending state/federal charges or psychological/medical care is requested or required. When priority releasing an arrest, the following procedures should be followed:

- a. The court date will be written in the space designated for the court date on any GOS/UTT that is issued.

- b. The reason for a priority release will be written in **red** directly on the GOS/UTT. The following three (3) reasons may be utilized for a priority release:
 - (1) Priority Release for State Charges (ROR-PRS).
 - (2) Priority Release for Federal Charges (ROR-PRF).
 - (3) Priority Release for Required Medical or Psychological Treatment (ROR-PRM).

* 2. Persons in custody for a city warrant issued by Kansas City, Missouri may be priority released (released on signature) only when requesting medical attention. Additionally, Headquarters Detention Unit commander, or designee, may priority release an arrest for extenuating circumstances. Generally, domestic violence arrests will not be priority released. If a domestic violence arrest is priority released, Headquarters Detention Unit personnel will notify the Domestic Violence Section. When priority releasing an arrest for a city warrant, the following procedure should be followed:

- a. The court date(s) will be written in the space designated for the court date(s) on the Municipal Warrant Booking Record that is issued.
- b. The reason for a priority release will be written in **red** directly on the Municipal Warrant Booking Record. The following three (3) reasons may be utilized for a priority release:
 - (1) Priority Release for Required Medical or Psychological Treatment (ROR-PRM).
 - (2) Priority Release by Detention Unit commander, or designee, due to extenuating circumstances, i.e., overcrowding, arrest is not a repeat offender, etc. (ROR-SIG).
 - (3) Letter of Incarceration (ROR-LOI).
- c. An arrest will not be booked on city warrant(s) when an arrest has pending state/federal charges. The state/federal charges take precedence over city warrant(s).

* H. The following officials may authorize the release, on signature recognizance (ROR) in lieu of the cash bond, of arrestees detained for bond on general ordinance or traffic violations only. This does not apply to warrants or domestic violence incidents.

1. Any municipal judge.
2. The city prosecutor.
3. The department general counsel.
4. Commanding officers.
5. Patrol Division desk sergeants.
6. Detention Unit supervisor.

NOTE: The same procedures will be followed as stated in Section III, G, 1.

- I. The following officials may authorize an earlier release of an arrest on domestic violence incidents.
 1. Any municipal/associate circuit court judge.
 2. The city/state prosecutor.
 3. The Domestic Violence Section supervisor or designee.

NOTE: The same procedures will be followed as stated in Section III, G, 1.

IV. PROCEDURE

* A. Bond Receipt Packet

- * 1. The bond receipt packet is used for all types of bonds for the Municipal Court. The bond receipt packet consists of the bond receipt, stapled to the outside of a coin envelope containing the currency, coin, or check used to make bond. Multiple bond receipts may be stapled to a single coin envelope when an arrestee is making bond on multiple charges.
 - * a. One receipt packet will be used for each charge (i.e., UTT, GOS, Municipal Warrant Booking Record.)
 - * b. Payout warrants will be completed on a fine receipt packet. Each payout warrant will require a separate fine receipt packet
 - * c. Bond/fine receipt packets will be distributed as follows:

- (1) A bond/fine receipt is given to the surety.
- (2) A bond/fine receipt is given to the arrestee.
- (3) Two(2) copies of the bond/fine receipt and the money envelope are delivered to the Municipal Court.

* NOTE: No corrections will be made on the bond/fine receipt packet. If a mistake occurs, the bond/fine receipt packet will be marked "VOID" and approved by the supervisor in charge. The voided receipt will be forwarded to the municipal courts. A new bond/fine receipt packet will be prepared.

- * 2. The member receiving the bond and completing the receipt will enter the bond receipt number in the space provided on the GOS or Municipal Warrant Booking Record.
- * 3. The member receiving the bond will require the principal and surety, if applicable, to sign the electronic signature pad within the Corrections Management System (CMS), for the bond receipt packet before giving the bond receipt to the surety.

A second party may post a cash bond only, for a defendant named in a municipal parking violation warrant, when that defendant is not in custody or is unable to be present to post bond. The identity of the second party will be verified by some form of identification. The second party will be instructed to sign his/her name in the "Signature of Depositor" portion of the CMS.

- * 4. A copy of the bond/fine receipt will be provided to the arrestee in all cases for notification purposes regarding court date and court room information.
- * 5. A bond/fine receipt packet will be used when a violator is arrested on an Execution and Commitment Order (E&C) or Probation/Parole Violation (PV) and a fine payment or bond is required. The money will be deposited with the other bond monies. The bond/fine receipt packet will be distributed as follows:
 - a. A bond/fine receipt is given to the person paying the balance.
 - b. A bond/fine receipt is given to the arrestee.
 - * c. Two (2) copies of the bond/fine receipt are delivered to the Municipal Court.

* B. Posting Bond on Percent/Secured

Ten percent of the posted bond will be made by the arrestee (or another person on the arrestee's behalf.)

1. If the bond states that a 10% deposit may be posted, the arrestee will be required to post a bond in the amount equal to 10% of the amount on the bond.
2. If the warrant or court order requires a secured bond, the arrestee must post an amount equal to the bond through a qualified bonding company.

* C. Bond Ledger Sheet

- * 1. The Bond Ledger Sheet contains the same information as the bond receipt packet. The Bond Ledger Sheet, generated by CMS, is available within the CMS system in the Crystal Reports option of the CMS Browser.
- * 2. The Bond Ledger Sheet automatically tracks bonds on a 24-hour basis, from 0600 hours to 0600 hours the following day. A separate Bond Ledger Sheet is maintained for fines, Kansas City municipal bonds, and outside city and state bonds. A separate bond numbering system is utilized on each Bond Ledger Sheet. The bond receipt packets for each day will be placed with the Bond Ledger Sheet and delivered to the Municipal Court.
3. When a cash bond/fine is made or money is received from an Execution and Commitment Order (E&C) or Probation/Parole Violation (PV), the money of the bond/fine receipt packet will be kept in a secure place.
- * 4. At the end of each watch, the desk sergeant will:
 - * a. Examine each bond/fine receipt, count the money, to ensure correctness against the Bond Ledger Sheet of the CMS system.
 - b. Total all the money for the watch, place the money in an envelope, and seal it. The total, appropriate designator, desk sergeant's signature, and date will be written on the envelope which will be placed in a secure place
- * 5. At the end of each 24-hours period (0600 to 0600), a new Bond Ledger Sheet will be printed. The desk sergeant will review, sign,

and date the bottom of the Bond Ledger Sheet. The Bond Ledger Sheet will be delivered to the Municipal Court.

- * 6. Copies of the Bond Ledger Sheet(s) will be maintained electronically in the CMS system for at least 25 years.

D. Deposit Slip

- 1. Each element accepting bond will have its own bank deposit slips with one of the following designators: HQ, CPD, MPD, EPD, NPD, SCPD (Shoal Creek Patrol Division), SPD.

- 2. Each deposit slip consists of three parts as follows:

Original (white)	-	to bank
First Copy (pink)	-	retained at station
Second Copy (yellow)	-	to court

- 3. Each day, the Watch II desk sergeant or Watch II detention facility officer will complete the deposit slip as follows:

- a. Date – Date of deposit.
- b. Currency – Sum of paper money.

All paper money will be totaled, grouped in denomination order with each bill facing the same direction, and bundled together. The total of the currency and the appropriate designator will be placed on the bundle.

- c. Coin – Sum of coins.

All coins will be totaled, separated by denomination, placed in envelopes, and sealed. The total will be written on the front of the envelope with the appropriate designator.

- d. Checks.

Money orders, traveler's checks, cashier's checks, certified checks, and personal checks will be listed separately and stamped with the current issue Municipal Court bank deposit stamp.

- e. Total – Sum of "Currency," "Coin," and "Checks."

- f. Total Items

Collective number of items being deposited, i.e., currency counts as one, all coins count as one, and five checks count as five; therefore, total items would be seven.

- g. Net Deposit – Sum of “Currency,” “Coin,” and “Checks.”

E. Delivery of Monies and Forms

* 1. The Watch II desk sergeant will:

- a. Check the Watch I bond monies and bonding information.
- b. Check the Watch II bond monies and bonding information from the previous day.
- c. Check the Watch III bond monies and bonding information from the previous day.
- d. Complete one deposit slip per twenty-four hour period.
- e. Ensure the “Cash” column of the Bond Ledger Sheet equals the amount on the deposit slip.
- f. Ensure the monies and deposit slip are placed in an envelope. Write on the envelope the element designator, money total, date, and sergeant’s initials, and seal the envelope with tape. The envelope will be placed in an approved bank bag and delivered to the bank, designated by the department, by 0900 hours, Monday through Friday (except holidays).
- g. The Watch II desk sergeant will ensure the bond receipt packets are placed in an envelope marked “Municipal Court” and ensure they are delivered to Window No. 1, Bonds, by 1000 hours.

2. Bond money from each division station is deposited at the department’s designated bank.

- a. Listed below are the holidays when a deposit will not be made to the bank and paperwork will not be delivered to the Municipal Court:

New Year’s Day
Martin Luther King, Jr.’s Birthday
President’s Day
Memorial Day
Independence Day

Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

- b. On weekends and the previously listed holidays, bond receipts **will not be transferred**. The monies for deposit and the bond receipt packets will be kept in a secure place and transferred the next court and bank workday.
3. The following will be delivered in an approved bank bag to the department's designated bank.
 - a. All currency, coins, and checks (stamped with the current issue Municipal Court bank deposit stamp).
 - b. A deposit slip completed by the desk sergeant.
4. The officer delivering the bank bag will watch the teller count the money.
 - * a. If the amount of money in the bank bag does not equal the net deposit on the deposit slip, the officer will immediately return all the bond paperwork and monies to the station and inform the desk sergeant who completed the deposit slip.
 - * b. The desk sergeant will immediately review the bonding information to locate the error, make the necessary corrections, and complete a new deposit slip.
5. If the bank teller agrees with the amount shown on the deposit slip, or after the error is corrected and the bank teller has agreed, the following steps will be taken:
 - a. The original (white) copy of the deposit slip will remain with the bank teller.
 - * b. The first pink copy will be returned to the original element making the deposit to be maintained on file for at least 25 years.
 - c. The second yellow copy will immediately be delivered to Municipal Court with:
 - * (1) A printed copy of the Bond Ledger Sheet(s) from the CMS system

- (2) The bond receipts listed on the Bond Ledger Sheet(s)
- (3) All paperwork received for Execution and Commitment Orders and Probation/Parole Violations

V. BONDING – OUTSIDE AGENCY RECIPROCAL BONDING

A. Kansas City, Missouri Warrants:

When an outside law enforcement agency within the state of Missouri detains a person on a warrant issued by the Kansas City, Missouri Municipal Court:

1. The outside agency will contact Warrant Services, Records Section, by phone and verify the warrant for the subject in custody.
2. When an outside agency accepts bond, the agency will make a check payable to “Clerk of the Municipal Court” and mail it to the following address:

Clerk of the Municipal Court
1101 Locust
Kansas City, Missouri 64106

3. When a bonding company is utilized, it must be on an approved Jackson County Circuit Court bonding list.
4. Warrant Services will be responsible for the following:
 - a. After verifying the warrant for the outside agency and after being advised by teletype the subject will be making bond, the warrant will be canceled in the ALERT II computer system.
 - b. A court date and time will be given to the outside agency so the subject arrested is advised when to appear.
 - c. An Outside Recognizance, Form 67 P.D., will be completed and forwarded to the Municipal Court.
 - d. When the warrant is verified as an original warrant, an Outside Recognizance, Form 67 P.D., will not be completed. The original warrant will be pulled and routed per present procedures. A notation will be made in the signature block of the original warrant that an outside bond was made.
5. When an arrest is unable to make bond, the outside law enforcement agency should notify the appropriate division station.

The desk sergeant will consider the division's current manpower status and the gravity of the warrant to determine if the subject will be released or transported to Kansas City, Missouri. The Communications Unit will then dispatch a vehicle to transport the arrest to the appropriate detention facility. The transporting officer will secure the prisoner's personal property as directed by Procedural Instruction entitled, "Prisoner's Personal Property Procedure."

The patrol division designated to respond to area law enforcement agencies are as follows:

- North Patrol Division -
 - Gladstone Police Department
 - *Missouri State Highway Patrol (Platte County)
 - Northmoor Police Department
 - Oakview Police Department
 - Parkville Police Department
 - Platte City Police Department
 - *Platte County Sheriff's Department
 - Platte Woods Police Department
 - Riverside Police Department
 - Smithville Police Department
 - *MOSHHP – Gaming Commission at Argosy Casino

- * Shoal Creek Patrol Division -
 - Avondale Police Department
 - Claycomo Police Department
 - *Clay County Sheriff's Department
 - Excelsior Springs Police Department
 - Kearney Police Department
 - Liberty Police Department
 - Missouri State Highway Patrol (Clay County)
 - *MOSHHP – Gaming Commission at Ameristar
 - Pleasant Valley Police Department
 - Randolph Police Department

- South Patrol Division -
 - Belton Police Department
 - Cass County Sheriff's Dept
 - Grandview Police Department
 - Harrisonville Police Department
 - Jackson County Sheriff's Dept
 - Lee's Summit Police Dept

Missouri State Highway Patrol
(Jackson-Cass County)

Central Patrol Division -

North Kansas City Police
Department
*MOSH - Gaming Commission
at Harrah's Casinp

Metro Patrol Division -

Raytown Police Department

East Patrol Division -

Blue Springs Police Dept
Independence Police Dept
Sugar Creek Police Dept

B. Warrants Outside Kansas City, Missouri:

When Kansas City, Missouri Police Department personnel detain persons for outside municipal and state misdemeanor warrants issued by outside law enforcement agencies:

1. Persons will be given the opportunity to post bond. Bond may be posted by the following:
 - a. Cash, money orders, cashier's checks, or certified checks. Money Orders, cashier's checks, and certified checks must be made payable to the Board of Police Commissioners. The bonds will be transferred to the Accounting Section by patrol elements after 0800 hours each morning (except weekends and holidays).
 - b. An approved bonding company may be used if approved by the outside agency where the warrant was originated.

NOTE: Outside agencies will determine which form of payment will be received for outside bonds.

2. If the subject desires to post bond, detention facility officers will contact, by telephone or teletype message, the agency entering the warrant in the computer. Information needed to complete the Outside Warrant Bond Receipt packet and the Outside Bond Receipt Ledger, will be requested, along with approval of any bonding company utilized.

NOTE: Do not fax messages or request information be faxed. Information cannot be tracked if it is faxed.

3. The listed steps will be followed when a bonding company is used.

The Outside Warrant Bond Receipt, will be given to the individual if the individual is posting bond, or to the Bonding Agent who is posting the bond. A copy of the receipt in a white envelope will be forwarded to the Accounting Section.

4. Once the individual has posted bond or paid their payout fine, the detention facility officer will send a teletype message to the agency that entered the warrant so they can remove the warrant information from their computer.

James D. Corwin
Chief of Police

DISTRIBUTION: All Personnel
All Department Elements
Post on bulletin boards for two weeks.