

February 12, 1997

LEGAL BULLETIN NO. 97-3 (revised)

SUBJECT: 1. Double Dipping
2. Aggravated Trespass

The purpose of this Legal Bulletin is to provide all members with information on two (2) subjects.

First, a jury in St. Louis has found a former St. Louis Sheriff's Deputy guilty of what was called "double dipping." The deputy was actually convicted of stealing by deceit, a Class C felony. The jury recommended the deputy pay a fine to be set by the Circuit Court.

The facts of the case were that the deputy sheriff had worked as a deputy sheriff since 1991. He also worked off duty for Task Force Security, Inc., a private company. While an employee of the department, the deputy sheriff conducted work for his private employer while on duty with the Sheriff's Department. He was charged with stealing \$2,490.00 from the Sheriff's Department which amounted to the dollar value of his time while he was working both jobs. The Court found that on several occasions the deputy sheriff left his post as a deputy sheriff and worked security at White Castle Restaurant while on duty as a deputy sheriff.

As a result of the activities of the deputy sheriff, he lost his job with the Sheriff's Department, he lost his job with Task Force Security, Inc. and he was convicted of a felony as indicated.

The second purpose of this Legal Bulletin is to inform all sworn members of a new city ordinance involving aggravated trespass. This ordinance which is designated 50-171 became effective on January 26, 1997. The effect of the ordinance is to make it a violation of City Code for a bondsman or bounty hunter to enter a building by force, by making threats of force or physical harm to any occupant, by making misrepresentations to any occupant or by causing physical damage to the building. There are a number of exceptions, including an exception for a bonding company or bounty hunter to enter a building without written authorization from a person entitled to possess or occupy the building as its owner or as a lessee. The effect of this ordinance is to prohibit bounty hunters from entering into a residence other than the residence of the individual on bond. This ordinance will give officers authority to make arrests where a bonding company or bounty hunter is attempting to make forced entry into a residence other than that where the individual being sought is the owner or lessee of the residence.

Questions concerning either of these issues may be directed to the Legal Advisor's Office.

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