



KANSAS CITY, MO. POLICE DEPARTMENT

**PROCEDURAL INSTRUCTION**

DATE OF ISSUE

03-27-07

EFFECTIVE DATE

03-27-07

NO.

07-2

SUBJECT

Response to Primarily Civil Incidents

AMENDS

REFERENCE

RSMo Chapter 67 ; Procedural Instructions: Recovered Property Procedures, Arrest Guidelines, Failure to Return Leased/Rented Property

RESCINDS

Procedural Instruction 99-5, Department Memorandums 03-2 and 03-3, South Patrol Division Training Bulletin 02-3

**I. PURPOSE**

To provide a reference source and procedures for handling situations of a civil nature. Criminal violations of city ordinances or state and federal laws should be handled according to appropriate procedures.

**II. POLICY**

Officers have limited authority to act upon civil matters and should contact a supervisor when they are unsure of what action to take. The Office of General Counsel should be contacted in instances when a member's position is uncertain.

**III. PROCEDURE**

This directive has been arranged in annexes to provide for easy reference.

- Annex A Bond Agent and Surety Recovery Agent Authority
- Annex B Landlord/Tenant Disputes
- Annex C Replevin Order and Self-Help Repossession
- Annex D Protest Demonstration/Strikes
- \*Annex E Police Response to Hotel/Motel Ejections
- \*Annex F Telephone and Address Listing

James D. Corwin  
Chief of Police

Adopted by the Board of Police Commissioners this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

James B. Wilson  
President

**DISTRIBUTION:** Law Enforcement Personnel  
Civilian Supervisory Positions  
Department Element Manuals  
Post on all bulletin boards for two weeks.

**BOND AGENT AND SURETY RECOVERY AGENT AUTHORITY****\*A. Definitions**

1. **Bail Bond Agent:** A surety agent or an agent of a property bail bondsman employed by and working under the authority of a licensed general bail bond agent, and duly licensed pursuant to the provisions of sections RSMo. Chapter 374, Sections 374.700 to 374.775, and Sections 374.695 to 374.789. Licensed bail bond agents may perform fugitive recovery without being licensed as a surety recovery agent.
2. **General Bail Bond Agent:** A surety agent or a property bail bondsman, as defined in sections RSMo. Chapter 374, Sections 374.700-374.775 who devotes at least fifty percent of their working time to the bail bond business in this state. Licensed general bail bond agents may perform fugitive recovery without being licensed as a surety recovery agent.
3. **Surety Recovery Agent:** A person not performing the duties of a sworn peace officer who tracks down, captures, and surrenders to the custody of a court a fugitive who has violated a bail bond agreement. These individuals were referred to as bounty hunters in the past and cannot perform the duties of a bail/general bail bond agent unless licensed as such.
4. **“Taking a Bail” or “Take Bail”:** The acceptance by a person authorized to take bail of the undertaking of a sufficient surety for the appearance of the defendant according to the terms of the undertaking or that the surety will pay to the court the sum specified. Taking of bail or take bail does not include the fixing of the amount of bail and no person other than a competent court shall fix the amount of bail.

**B. Guidelines for Bond Agents and Surety Recovery Agents:**

- \*1. The Professional Bail Bondsman and Surety Recovery Agent Licensure Act:
  - a. Specifies the requirements for obtaining a license to be a bail bond agent, general bail bond agent, or surety recovery agent.
  - b. Establishes fees to cover the administration of the licensing.
  - c. Grants authority to the **Director of the Department of Insurance (State of Missouri)** to regulate those agents.
  - d. Prohibits anyone from engaging in the bail bond business without being licensed by the Department of Insurance.

- e. Requires licensed bail bond agents or surety recovery agents to notify the appropriate law enforcement jurisdiction/authorities before they attempt to apprehend any person. (RSMo. Chapter 374, Section 374.757)
  - f. A violation of this act is a class "A" misdemeanor and any subsequent violation is a class "D" felony.
- \*2. Bond agents and surety recovery agents will be governed by the Missouri Department of Insurance, but locally they will process and receive their qualifications through their respective county courthouse.
3. The bond agent is considered having custody of the defendant when the defendant is bonded out by a bail bond agent. This is considered a private undertaking between bail bond agent and defendant, and gives jurisdiction to the bail bond agent to deliver the defendant when and where the defendant is to appear.
4. The United States Supreme Court delivered an opinion in 1872, which still controls this relationship between bond agents and the defendant (Taylor vs. Taintor, 21 L.Ed. 287, 83 U.S. 366). Under the guidelines established by the court, **bond agents may:**
- a. Seize the defendant whenever they choose in discharge of the bond.
  - b. Imprison the defendant (by surrendering to authorities) until time of the defendant's appearance.
  - c. Forcibly enter the **defendant's** residence to recapture the defendant.
  - d. Pursue the defendant into other states.
  - e. Recapture the defendant any time, day or night, without a warrant or other process.
  - f. Exercise these rights over the defendant, in person or by agent i.e. surety recovery agent.
5. A bond agent or surety recovery agent should only use "reasonable means" to affect the recapture of a defendant. An agent should act in a "reasonable manner" when entering a dwelling to effect recapture. The agent should properly identify themselves to the defendant, third persons, and any law enforcement authority present, by producing picture identification. Additionally, a certified copy of the bond must be shown. In situations that involve contact with bond agents or surety recovery agents, a supervisor will be dispatched or requested.
6. The bail bond agent or surety recovery agent shall possess and upon request present to the local law enforcement authorities the following:

- a. A certified copy of the bond.
  - b. A copy of the bond application to enter a particular residence **must** be at the location in question.
  - \*c. A state issued identification card (refer to Section F of this annex), which shall be prominently displayed on their person (RSMo. Chapter 374 Section 374.788), when performing fugitive recovery.
  - d. The appropriate paperwork identifying the subject/defendant being sought.
7. A bond agent or surety recovery agent is a private citizen and has no greater authority to enter the residence of a **third party** than does a private citizen.
  8. A bond agent or surety recovery agent has no right to assault an individual. Any assault by the bond agent or surety recovery agent that is not in self-defense can result in the arrest of the bond agent or surety recovery agent.
  9. Neither a bond agent nor a surety recovery agent has any greater authority to carry a concealed weapon under Missouri law than any other citizen.
    - a. Unless the bond agent or surety recovery agent has any police authority within the state of Missouri, they should be treated as ordinary citizens for purposes of carrying concealed weapons.
    - b. If a bond agent or surety recovery agent is in any way threatening the use of or brandishing a deadly weapon, or is in possession of an illegal weapon; e.g., automatic weapon, sawed-off shotgun, the officer encountering the bond agent or surety recovery agent shall take appropriate police action for those charges.
  10. Calls received from a bond agent or surety recovery agent requesting police response to a location will only be dispatched when there is a disturbance.
  11. Bond agents or surety recovery agents who wish to surrender a party to the police department must obtain a signed Recognizance Form (surrender paper) from Municipal Court. Officers who are dispatched to Headquarters or a division station to contact a bond agent or surety recovery agent regarding a surrender will refer to the written directive entitled, "Arrest Guidelines."

C. Officer Guidelines

1. Officers will not act as "agents" of, or on behalf of a bond agent or surety recovery agent, or lend their cloak of "color of law" to this **private undertaking**.
2. Officers will not give any advice to a third-party, a bond agent, or surety recovery agent pertaining to a bond agent's or surety recovery agent's authority. Bond agents or surety recovery agents act on their own and officers will not render assistance except as outlined herein.

3. Officers have the authority to prevent a breach of the peace **by anyone** and will act to prevent harm to all citizens. The limits of **reasonable means** are still applicable towards bond agents or surety recovery agents.
4. Officers may inquire about the authority of the bond agent or a surety recovery agent requesting to make entry or recapture a defendant; i.e., asking for the name of the bonding company they are working for. A copy of the bond application to enter a particular residence **must** be at the location in question.

#### D. Officer Procedures

- \*1. When officers are notified that a bond agent or a surety recovery agent is attempting to make an apprehension or enter a residence, officers shall:
  - a. Inspect the bond agent or surety recovery agent's paperwork as outlined above in Annex A, Section B, 6, of this written directive.
  - b. Inspect the completed copy of the Bondsman Notification of Intent to Apprehend and Enter a Residence, Form 95 P.D. for "Bonding Notification ID: NUMBER" directly below the form title. Refer to Annex A, Section E, of this written directive for instructions to completing the on-line form.
    - (1) Attempt to verify the information if the bond agent or surety recovery agent claims to have notified another law enforcement agency within the city limits, i.e., county sheriff's offices, by contacting the respective agency.
    - (2) If unable to verify that the bond agent or surety recovery agent has made notification of their intention to apprehend or enter a residence, or more than seventy-two (72) hours has passed since that notification was made, obtain an original case report number and complete a Report Form, Form 100 P.D. entitled, "Miscellaneous Investigation, Possible Failure to Notify of Intent to Apprehend or Enter a Residence by a Bondsman/Surety Recovery Agent." This report should include the following:
      - (a) Bonding agent or surety recovery agent's identifying information.
      - (b) Name of bonding company employing the agent.
      - (c) Date and time of contact.
      - (d) Location of contact.
      - (e) Address of the residence the bond agent or surety recovery agent is attempting to enter.
      - (f) Identifying information of subject being sought.

- (g) Listed address of subject/defendant being sought.
  - (h) Warrant information for subject being sought.
- (3) Forward copies of all reports to the Fugitive Apprehension and Arraignment Unit for investigation. For cases that are investigated as a higher classed crime, forward copies of the report to the appropriate investigative element.
- \*2. When contacted by a bond agent or a surety recovery agent regarding an apprehension or entering a residence in Kansas City, Missouri, the department member/officers will direct the agent to respond to the nearest patrol division station and present the appropriate paperwork for inspection and completion of the on-line Bondsman Notification of Intent to Apprehend and Enter a Residence, Form 95 P.D.
3. Officers should be aware of the city ordinance 50-171, Aggravated Trespass, which states a certified copy of the bond **must be shown** to any occupant of the building who is seeking to deny access or is questioning the bondsman or surety recovery agent's authority to enter the building. If officers are attempting to enforce this ordinance, the officers shall take the following steps:
- a. Carefully examine the copy of the bond to verify that the party being sought has listed the location as their address (as opposed to it being hand written on the form by the bondsman or surety recovery agent).
  - b. Check the name of the individual and/or the license plate numbers of any vehicles parked in the driveway or in front of the residence through the ALERT system.
  - c. Talk to the occupants of the residence and ask them who lives there.
  - d. Check with neighbors or any management personnel, if at an apartment.
4. After determining the bond agent or surety recovery agent's authority, unless the officer believes that their presence is necessary to avoid a breach of peace, the officer shall wait near their department vehicle until the bond agent or surety recovery agent apprehends the defendant. The officer shall only become involved if there is an actual breach of the peace.
5. Officers shall enter the residence only under circumstances where they would have authority to enter in the absence of the bond agent or surety recovery agent being present.
6. **Under no circumstances shall the officer assist the bond agent or surety recovery agent in gaining entry into the residence. Officers can enter the residence when exigent circumstances or an emergency situation exists or arises, or if there is an outstanding warrant for the individual who is believed to reside at the location and the officer has information that the person is inside the residence.**

- a. If the criteria is met which allows officers to enter the residence to effect an arrest for an outstanding warrant, the bond agent or surety recovery agent will be instructed to remain outside of the residence.
- b. When the defendant has a verified outstanding warrant, the officer shall take custody of the defendant by following current written directive entitled, "Arrest Guidelines."
- c. When the defendant does not have a verified outstanding warrant, the officer will not take custody of the defendant from the bond agent or surety recovery agent.

\*E. The on-line Bondsman Notification of Intent to Apprehend and Enter a Residence, Form 95 P.D.

- 1. Upon being contacted in person by a bond agent or surety recovery agent at a police facility, the department member will:
  - a. Ensure the agent presents a certified copy of the bond and all paperwork identifying the person to be apprehended.
  - b. Complete the on-line Bondsman Notification of Intent to Apprehend and Enter a Residence, Form 95 P.D., which can be found on the department's internal website (intranet).
    - (1) Click on "Patrol Reports," which is located on the front page of the department intranet, under the section entitled, "Databases."
    - (2) Click on "Entry," located beneath the subtitle, "Bondsman Notification," in the category title, "Submit New Report."
  - c. Print out the screen image generated and give it to the agent once the form has been completed.
  - d. Ensure the unique computer generated notification number is located beneath the form title, "Bondsman Notification of Intent to Apprehend and Enter a Residence, Form 95 P.D.," and that it states the date and time the form was submitted. Members will ensure they log themselves on to complete the notification process and close the open session when done, to protect the system's integrity for court.
- 2. Viewing the on-line Bondsman Notification of Intent to Apprehend and Enter a Residence, Form 95 P.D.
  - a. Log on to the department's internal web site.
  - b. Click on "Patrol Reports."
  - c. Click on "View" located beneath the subtitle, "Bondsman Notification," in the category titled, "Submit New Report."

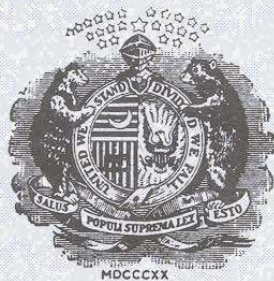
3. Searching the on-line Bondsman Notification of Intent to Apprehend and Enter a Residence, Form 95 P.D.
  - a. Log on to the department's intranet site.
  - b. Click on "Patrol Reports."
  - c. Click on "Search" located beneath the subtitle, "Bondsman Notification."
  - d. Fill in the search criteria blanks.

\*F. Example of Bail Bond Agent License

An example of a State of Missouri, Bail Bond Agent License and identification card is shown on the following page (A-8).

# STATE OF MISSOURI

DEPARTMENT OF



INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

## BAIL BOND AGENT LICENSE

IT IS HEREBY CERTIFIED THAT

**JOHN DOE**

IS AUTHORIZED TO TRANSACT BUSINESS IN ACCORDANCE WITH THE  
SPECIFIC LINES SHOWN ON THE LICENSE - IF APPLICABLE

Issue Date: NOV 10, 2004

Expiration Date : NOV 10, 2006

(Wall Certificate)

|||||  
Doe, John  
1125 Locust  
KC, MO 64106

# EXAMPLE

(Wallet License)

STATE OF MISSOURI  
INSURANCE DEPARTMENT  
BAIL BOND AGENT LICENSE

IDENT. NO.: BB338417

THIS IS TO CERTIFY THAT

**Doe, John**  
**1125 Locust**  
**KC, MO 64106**



IS HEREBY AUTHORIZED TO TRANSACT BUSINESS IN  
ACCORDANCE WITH THE LICENSE DESCRIPTION BELOW

License Lines	Qualify Date
Bail Bond Agent	Nov 10, 2004

LICENSE PRINT DATE: NOV 10, 2004  
LICENSE EXPIRATION DATE: NOV 10, 2006

OPSSPEMBEJ

**\*LANDLORD/TENANT DISPUTES**

- A. Historically, landlord/tenant matters have been viewed as civil in nature especially in connection with eviction actions. Officers do not normally become involved in these instances. The Kansas City Prosecutor's Office in conjunction with Legal Aid of Western Missouri request that officers enforce two provisions of the city ordinance relating to the landlord/tenant relationship. The provisions are; the removal of personal property and interrupting or causing the interruption of essential services. Officers are reminded that they should never become involved in handling property custody issues involved in these cases.
- B. Officer Procedures
1. If an officer is dispatched on a landlord/tenant dispute:
    - a. Ask whether the tenant has been served with eviction papers from a court.
      - (1) An "Eviction Order" is an order signed by an Associate Judge for the county where the property is located and will have a date of judgment.
      - (2) "Eviction Orders" should not be confused with a "Notice to Vacate." "Notice to Vacate" from the landlord/agent of landlord without a court order does not give the landlord/agent of landlord authority to exclude (lock-out) the tenant.
    - b. If an "Eviction Order" has been served, the officer may advise the tenant to contact the Kansas City Missouri Human Relations Department; however, no action should be taken by the officer.
  2. Tenant lock-out violations.
    - a. If dispatched on a landlord/tenant dispute where an "Eviction Order" has not been served and both parties are present, officers should determine if one of the following criteria has been met. If so, a GOS will be issued to the landlord/agent of landlord. Refer to the Code of Ordinances of Kansas City, Missouri Section 50-109 for Tenant lock-out violations
      - (1) Landlord/agent of landlord excludes a tenant by changing or altering locks.
      - (2) Landlord/agent of landlord removes, takes, or secures the tenant's property.

- (3) Landlord/agent of landlord changes or removes the tenant's doors.
  - (4) Landlord/agent of landlord cuts off one or more essential services including; but not limited to, electric, gas, water, or sewer service.
- b. If the landlord/agent of landlord is not present, and the officer can verify that one of the above listed criterion has been met, officers may complete a city pick-up in accordance with the current written directive entitled, "Arrest Guidelines."
- c. When a GOS is issued, officers should complete a Report Form, Form 100 P.D. entitled, "Miscellaneous Investigation Landlord/Tenant Violation," and should include the following observations if investigating a lock-out case:
- (1) The officer's eyewitness account of personal belongings on the curb, yard, porch, or outdoors.
  - (2) Locks that have been changed so the tenant cannot use their key to enter.
  - (3) Windows that have been nailed or boarded closed.
  - (4) Doors that have been removed.
  - (5) Any admissions made by the landlord/agent of landlord, if he/she is present.
- d. If possible, the officer should take photographs of the tenant's removed belongings or photographs of boarded entryways. These photographs should be recovered according to the current written directive entitled, "Recovered Property."
- e. The officer should obtain a future address or contact person for the tenant. The Kansas City Prosecutor's Office needs to be able to contact tenants for court purposes. Tenants may be looking for a new home and are often difficult to find when the court date arrives.
- f. Officers should complete a subpoena for the tenant. In the "Bring with you the following" section, the following items should be listed:
- (1) Copies of the written lease.
  - (2) Copies of utility bills.
  - (3) Copies of rent receipts.

- (4) Letters or written threats to the tenant from the landlord/agent of landlord telling the tenant to leave immediately or "Notices to Vacate," if applicable.
- g. Refer to the blue Pocket Reference Book ("Blue Book"), Form 321 P.D., for the phraseology when completing the GOS. Section 50-109(b) is for a lock-out violation, and 50-109(c) is for interruption of essential services.
- h. If an officer encounters a situation where writing a GOS does not seem appropriate or the tenant is unwilling to sign the GOS, yet mediation may be able to resolve the landlord/tenant dispute, the officer can refer the case to the Human Relations Department for the city of Kansas City, Missouri. When feasible, officers will complete the "Police Referral to Kansas City Human Relations Department" form. Officers may contact the Community Relations Specialist, who handles tenant lock-out disputes.

### C. Referral Agencies

1. The Dispute Resolution/Community Service is offered by the Kansas City, Missouri Human Relations Department. The Human Relations Department has trained staff persons and community-minded citizen volunteers to mediate and conciliate disputes.
2. The Dispute Resolution/Communication Service is a voluntary process designed to allow on-going disputing parties an opportunity to discuss their grievances before a mediator and arrive at a reasonable and mutually acceptable agreement. A mediation process serves as an alternative to the criminal justice system, thereby alleviating legal fees, court costs, and the possibility of having a police record. There are no costs and no determination of guilt or innocence. All matters discussed are totally confidential.
3. Mediation techniques can be applied to the following areas of dispute:
  - a. Landlord/tenant.
  - b. Consumer/business.
  - c. Community/neighborhood.
  - d. Family.
  - e. Juvenile/parent.
  - f. Minor cultural differences.
  - g. Property.

4. Officers may refer disputants to the Human Relations Department or the patrol division Community Interaction Officer assigned to each patrol division station. The Dispute Resolution/Community Service is also administered with the cooperation of the City Prosecutor's Office and Municipal Court. If a disputant is issued a GOS and the arresting officer believes the incident will continue, or has been an on-going occurrence, the officer may also refer the disputants to the Dispute Resolution/Community Service.
5. The staff of the Human Relations Department may contact division station personnel and request the use of station facilities for a conflict mediation session. The patrol division Community Interaction Officer will schedule these sessions, taking into consideration roll-call times and the availability of station facilities.

D. Eviction Orders

1. Persons occupying residential or business property who are subject to eviction generally cannot be removed without an eviction order served by a Sheriff's Deputy in Cass, Clay, and Platte Counties or an Execution Deputy in Jackson County. In the event of a lawful court ordered action, officers will:
  - a. Preserve the peace.
  - b. Review the court papers for legal date of effect.
  - c. Not assist in entry or seizure of property.
2. Should reasonable force be necessary to evict the person, the deputy has the authority to do so. Officers of this department shall assist to the extent of protecting the deputy.

E. Established Residency

1. A party who is not on a written lease, but appears to have legitimately established residency, and has possessions; e.g., clothing or personal items, in the residence, is considered to have established residency and is therefore a tenant.
2. Officers will use discretion based on information reasonably available at the time when determining if a party has established residency and should not order the party to leave the residence.
3. Disputes between a landlord and a party who has established residency will be referred to the aforementioned agencies listed in Section C of this Annex for code violations, or to their county courthouse for appropriate eviction procedures.

- F. Officers shall take appropriate enforcement action against any individual violating federal, state, or city laws; i.e., assault, weapons offenses, independent of landlord/tenant prohibited acts.
1. Do not allow parties to use general laws to accomplish a prohibited result. Example: Using disturbing the peace arrest to remove either party absent a truly objective violation under the circumstances.
  2. Disturbing the peace is a charge that can be used only if a breach of the public peace occurs outside the person's leased or rented property, or if there is an assault.
  3. The trespass ordinance is not applicable in landlord/tenant disputes.
  4. Officers should consider all enforcement actions in this realm with the same seriousness as any other enforcement activity. Each of the respective parties possesses all rights and liberties afforded by laws applicable to all citizens.

## REPLEVIN ORDER AND SELF-HELP REPOSSESSION

A repossession is an action in which a creditor reacquires possession of property with the intent to deprive the debtor of any further control over the property. Repossession takes place when the creditor takes and continuously maintains possession of the property, keeping it at a place of the creditor's choosing. There are basically two (2) ways that a vehicle or other property can be repossessed: Replevin Orders and Self-Help Repossessions. Parties repossessing vehicles are required by RSMo 304.155.12 to report the repossession within two hours after the repossession has occurred.

- A. A Replevin Order, signed by an Associate Circuit Judge, may be required to repossess merchandise, including automobiles, from a person holding the items.
  - 1. This order may allow entry on private property.
  - 2. It will be served by a Sheriff's Deputy in Clay, Cass, and Platte Counties or an Execution Deputy in Jackson County.
  - 3. Should force be necessary, these county officials are authorized by statute to proceed and should be assisted only to the extent necessary to safeguard parties and preserve the peace.
  
- B. A Self-Help Repossession occurs when an agent of the creditor, usually a tow truck driver in the case of a vehicle, removes the property without detection from a public or private place.
  - 1. Unless otherwise agreed, a secured party has on default the right to take possession of the collateral. In taking possession, a secured party may proceed without a Replevin Order, if this can be done without a breach of the peace.
  - 2. Officers should be aware that the breach of the peace limitation on repossession is only applicable to Self-Help Repossession and does not apply where the property is repossessed by judicial action (Replevin Order).
    - a. If a breach of peace occurs at any time during a Self-Help Repossession, the person repossessing should stop the actions they are taking and obtain a Replevin Order to repossess at a later date.
    - b. A breach of the peace is committed when speech or conduct is such as to violate the public order, disturb the public tranquility, or has the potential of provoking violence.
    - c. Breaches of the peace also occur with threats or use of violence, damaging the property, use of abusive language, and in the absence of an agreement between the parties to the contrary, breaking and entering to gain possession of the property.

- d. A breach of the peace may occur when a creditor repossesses over the unequivocal oral protest of the defaulting debtor or if the creditor is able to repossess the property because of intervention by a police officer.
- \*3. All property, including automobiles found on public property or on the property of a consenting third person, may be legally repossessed. No court action is necessary.
- 4. All property, including automobiles being repossessed and transported across state lines, require the same type of documentation, although the forms may be different.
- C. Officers should be aware of the potential civil liability if they are dispatched to a call regarding a Self-Help Repossession.
  - 1. An officer's presence could be construed as intimidation by the debtor and cause him/her to refrain from exercising their legal right to resist a repossession.
  - 2. Officers shall not become involved in negotiating a solution between the parties in the civil proceeding.
  - 3. **Officers shall not become involved in repossessions except to the extent necessary to prevent a breach of the peace. If the officer's presence seems to be aiding the reposessor, officers shall return to their vehicle and/or leave the scene.**
  - 4. Officers may make arrests upon probable cause should any party take action leading to a breach of the peace.
- D. When a creditor takes possession of property, he/she will be liable to the debtor if he/she takes possession of any other property.
- E. Personal property found in the vehicle must be returned upon demand. In a repossession without a Replevin Order, a demand for the return of the property by the debtor at the scene of the repossession could be considered a breach of the peace.
- F. When coming into contact with property associated with a documented failure to return leased/rented property, officers will refer to the current written directive entitled, "Failure to Return Leased/Rented Property."
- G. Some rental agreements include clauses giving rental agencies/lenders permission to enter the renter's residence to repossess property. No precedent exists to determine whether or not this clause is binding or applies to forced entry.

1. Without benefit of a Replevin Order signed by an Associate Circuit Judge and served by the appropriate official, or applicable warrant charging Failure to Return Leased/Rented Property, officers shall never allow themselves to act as an "agent" of, or on behalf of, a rental agency or rental agent.
2. Officers shall not assist in the act of entering a renter's residence to repossess property.
3. Officers may make arrests upon probable cause, if appropriate, in situations where there is a legitimate violation of an ordinance or state statute occurring. Officers should not make arrests merely to assist one of the parties with their civil undertaking.

**PROTEST DEMONSTRATIONS/STRIKES**

- A. All citizens have a constitutional right to peaceful assembly and protest. This department has a professional mandate to safeguard and protect all citizens as they exercise their constitutional rights.
- B. The role of law enforcement officers at a peaceful demonstration or strike scene is to protect life and property and keep the peace. Officers must assume and maintain a neutral and impartial demeanor toward the issues of the demonstration or strike.
- \*C. Commanders and supervisors will respond to monitor the situation and take appropriate action if needed.
- D. Commanders and supervisors must exercise good judgment, particularly as it relates to distinguishing between minor inconveniences and disruption of normal activities. In that context, it must be recognized that any event involving large numbers of people will result in some disruption, in varying degrees, of normal activities.
- E. When conditions so dictate and groups become disruptive or are endangering the lives and property of others, the primary police objective is to restore order. Violations of city ordinances or state and federal laws, that are not civil in nature, but criminal, shall be handled accordingly.
- \*F. Officers shall notify the Intelligence Unit when responding to a protest, demonstration, or a strike.

**\*POLICE RESPONSE TO HOTEL/MOTEL EJECTIONS**

- A. Under the provisions of RSMo. Chapter 315 Section 315.075, an owner or operator of a hotel/motel may eject a person from the facility and obtain the assistance of law enforcement authorities if one of the below five conditions exist.
- B. Officers cannot take any actions against any occupant of the hotel/motel without the owner or operator initiating the ejection for a lawful reason. Hotel/motel ejections do not fall under the same category as landlord/tenant evictions. A court order is not required.
  - 1. Nonpayment of charges incurred by the individual renting or leasing a room, accommodations or facilities of the hotel/motel when the charges are due and owing.
  - 2. The individual renting or leasing a room, accommodation or facilities of the hotel/motel is visibly intoxicated, under the influence of alcohol or other drugs and is disorderly so as to create a public nuisance.
  - 3. The owner or operator reasonably believes that the individual is using the premises for an unlawful purpose.
  - 4. The owner or operator reasonably believes that the individual has brought something into the hotel/motel which may create an unreasonable danger or risk to other persons, including but not limited to the unlawful use of firearms or explosives.
  - 5. The individual is in violation of any federal, state or local laws or regulations relating to the hotel/motel.
- C. Once the parties are ejected by the owner/operator of the hotel/motel, they become susceptible to all federal, state and local laws. This means if they refuse to leave the room, they can be arrested for trespassing (provided the business pursues charges). Other ordinances can also be enforced such as DUI (as in the above incident), minor in possession, disorderly conduct, etc. Officers responding to a request for assistance by a hotel/motel conducting an ejection shall take the following steps:
  - 1. Contact the hotel/motel owner or operator and insure they are ejecting the party for one of the aforementioned reasons.
  - 2. If the owner or operator is not ejecting the party for one of the aforementioned reasons, advise them the ejection is unlawful and police assistance will not be provided.

3. If the ejection is lawful, accompany the owner or operator on the ejection, if requested, and take appropriate actions if the party refuses to comply with the ejection.
4. Once the ejection is complete, take any police action appropriate to ensure compliance with federal, state and local laws.

**\*TELEPHONE AND ADDRESS LISTING**

Local:

Kansas City, Missouri

**Community Relations Specialist** (tenant lock-out)

Law Enforcement contact: (816) 513-1821

Citizen contact: (816) 513-1836

**Human Relations Department**

Eviction Orders advice

(816) 513-1836

State of Missouri:

**Department of Insurance**

P.O. Box 690

Jefferson City, MO 65102-0690

(573) 751-1922 (Telephone)

(800) 726-7390 (Hotline)

(573) 526-4898 (Fax)

County Court Listings:

**Clay County Court**

Division #1

#11 S. Water

Liberty, MO 64068

(816) 792-7711

**Jackson County Court**

Division #11

415 E. 12<sup>th</sup>

Kansas City, MO 64106

(816) 881-3611

**Johnson County** (for Cass County only)

Division#2

101 W. Market

Warrensburg, MO 64093

(660) 422-7413

**Platte County Circuit Court**

415 3<sup>rd</sup> St., #5

Platte City, MO 64079

(816) 858-3486