

POLICY AND PROCEDURES

NUMBER: 1415

SUBJECT: Body Attachment/Contempt of Court

ACA STANDARDS: None

DIRECTOR: Herbert Bernsen

EFFECTIVE DATE: 9/92 REVISION DATE: 9/97, 10/04, 11/13



I. POLICY

The St. Louis County Department of Justice Services shall ensure that the Intake Service Center will accept subjects taken into custody on the order of a Judge of the 21st Judicial Circuit when accompanied by a Writ of Body Attachment or Contempt of Court Order.

II. RESPONSIBILITIES

All St. Louis County Department of Justice Services Intake Staff are responsible for the following procedures.

III. DEFINITIONS

Body Attachments: A Body Attachment is a Writ, or formal written document, issued upon the order of a judge. The Writ is issued when a witness who was properly summoned fails to appear. The document commands that the witness be taken into custody and brought to court on the date specified in the Writ. A Writ of Body Attachment authorizes the arrest of the named person by the police, and the detention of that person by the Department of Justice Services until the specified court date. The Writ may be issued for a witness in either a civil or criminal case.

Warrant and Commitment Order (for contempt of court): A Warrant and Commitment Order is the document issued upon the order of a judge after a person has been found to be in Contempt of Court. Contempt of Court may be either civil or criminal. Civil Contempt is generally the unjustified failure to obey

an order made by the court for the benefit of a third party. (For example, the failure to permit visitation by a non-custodial parent as required by the decree of dissolution.) Criminal Contempt occurs when a person behaves in a way that is offensive to the authority and dignity of the court. (For example, failure to appear as directed as a juror for the second day of a trial.) When the contempt of court is civil, the contemnor is usually committed to confinement until the contemnor complies with the order of the court and is therefore no longer in contempt. Confinement for civil contempt is therefore indefinite, and release depends on further order of the court. If the contempt of court is criminal, the contemnor will be sentenced to serve a specific period of confinement (or pay a fine, or both). The confinement of a contemnor in criminal contempt ends when the sentence is completed.

IV. PROCEDURES

- A.** A Writ of Body Attachment must be carefully read to determine if a bond amount and/or a new court date is indicated, and booked accordingly. Section 491.170 RSMo, sets the bond on Writs of Body Attachment at \$100.00. The maximum punishment is a fine of \$50.00. (Arguably that section does not apply to Writs of Body Attachment issued by Associate Circuit Judges under section 491.330 RSMo. The maximum penalty in the case of Writ issued under section 491.330 RSMo is a fine of \$20.00).
- B.** Prisoners booked on Civil Contempt will be held without bond until further order of the court. (See Policy #1509 Civil Commitment)
- C.** Prisoners booked on Criminal Contempt are held without bond until they have completed the sentence imposed or until further order of the court, whichever comes first.
- D.** Writs of Body Attachment and Civil Contempt of Court Orders do not require fingerprints or mugshot, however Criminal Contempt of Court Orders do require criminal identification processing.
- E.** If no bond is set in the Writ of Body Attachment, the Writ was issued by an Associate Circuit Judge. When a prisoner arrives after normal business hours, the prisoner, or the attorney for the prisoner, may request that the Duty Judge be contacted to set a bond on the body attachment.