

<b>SUNRISE POLICE DEPARTMENT</b>  POLICIES AND PROCEDURES MANUAL  CHAPTER 60  ARREST PROCEDURES	Effective Date	05/09/94
	Revision Date	11/12/20
	Revision No.	1.4
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	Approval:	

## 60. PURPOSE

The purpose of this policy is to provide guidelines and procedures for arrests. An officer's decision in the area of arrest has a strong impact on the Sunrise Police Department. An officer's decision on making an arrest, and the manner in which the arrest is handled, if contrary to law, may lead to the charges being dismissed; the officer and the Department being vulnerable to public criticism; and subject to civil action. It is impossible to address every arrest situation that an officer may encounter. Therefore, an officer should make good sound arrest decisions based on probable cause, applicable laws, court decisions, and good common sense.

### 60.1. REVISION HISTORY

<u>Date</u>	<u>Rev. No.</u>	<u>Change</u>	<u>Reference Section</u>
05/09/94	1.0	New Policy	Booking Procedures
05/01/08	1.1	Former policy rescinded Title Change – Arrest Procedures	Policy was formerly Chapter 59, also incorporated former Chapter 60 – Booking Procedures and Former Chapter 61 – Prisoner Release
04/16/10	1.2	NTA Reporting	60.6.6.6.
04/15/11	1.3	Delete Release of Liability Form, Arrest by Warrant.	60.6.10.1., 60.6.5.
11/12/20	1.4	Changed prisoner and Defendant to arrestee, Added arrestee, Removed Discussing in private	Throughout Policy, 60.6.13.1.6.1.5., 60.6.16.4.6.,

### 60.2. PERSONS AFFECTED

All Police Personnel

60.3. POLICY

It is the policy of the Sunrise Police Department that arrests will be made in conformance with Florida State Statutes and this policy to ensure the safety of officers and to protect the rights of arrestees/detainees. It is the Department's policy to comply with the highest standards of legal and professional conduct.

60.4. DEFINITIONS

60.4.1. Arrest – The apprehending or placing into custody (physically or verbally) of a person by the authority of law.

60.4.2. Arrest Warrant – An order of arrest signed by a judge.

60.4.3. Capias – An order of arrest signed by the Clerk of the Court upon the order of a judge, or information filed by the State Attorney's Office.

60.4.4. Civil Sanctions – A civil form of punishment, usually a fine or other form of intervention such as an injunction.

60.4.5. Criminal Sanctions – An actual punishment usually a fine or jail term.

60.4.6. Discretion – The authority to make decisions within legal boundaries using reasonable personal judgment. Use of discretion is guided and framed by Law, policies, rules, procedures, training, and supervision.

60.4.7. Injunction – A Court Order that prohibits a party from doing something (restrictive injunction) or compels them to do something (mandatory injunction).

60.4.8. Notice to Appear – A written order issued by a law enforcement officer in lieu of a physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time.

60.4.9. Probable Cause – Facts and circumstances that would lead an ordinary, reasonable and prudent person to believe that an offense was committed and that the accused committed that offense.

60.4.10. Personally Involved – An officer is considered personally involved where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with the person to be arrested or any other person connected with the incident. This does not apply to situations where the police officer is a crime victim.

60.5. RESPONSIBILITIES

60.5.1. All police personnel are responsible for complying with this policy. Supervisory Personnel are responsible for the enforcement of this policy. Unjustified violations may result in disciplinary action, up to and including termination.

60.5.2. This Policy is not intended to be all-inclusive. It is intended to be a general guideline to be read in conjunction with all other Department rules, regulations, policies and procedures, as well as other City rules and ordinances.

## 60.6. PROCEDURES

### 60.6.1. Probable Cause:

60.6.1.1. Any arrest made must be based on probable cause that the crime occurred and that the arrestee was reasonably believed to be the perpetrator of the named crime(s). The source of the probable cause may be evidence gathered from the arrestee, victim(s), witness(es), the scene of the arrest, informants, or other reliable sources.

60.6.1.1.1. The experience and training of the arresting officer and their analysis of the situation is also material to the totality of circumstances establishing probable cause.

60.6.1.2. A finding by a Judge that there was a lack of probable cause for an arrest may result in any of the following:

60.6.1.2.1. Dismissal of the charge.

60.6.1.2.2. Suppression of any evidence found incident to the arrest.

60.6.1.2.3. Require additional investigation to substantiate the charge.

60.6.1.2.4. Civil sanctions for damages against the Officer, Department, or the City.

60.6.1.2.5. Criminal charges filed against the officer.

### 60.6.2. Officer Discretion:

60.6.2.1. The Department requires Officers to exercise reasonable, sound judgment when using discretion in service to the community and for the benefit of the citizens. Officer should always take into consideration the conditions present at the time, the constraints of existing written directives, Statutes, Laws, and Ordinances pertaining to the situation, the available alternatives, and direction of Supervisors. Discretionary decisions shall be reviewed and subject to sanctions if found to be imprudent.

### 60.6.3. Jurisdiction:

60.6.3.1. Under Chapter 901 of the Florida Statutes, a law enforcement officer is given the authority to make an arrest for the commission of a crime with or without a warrant.

60.6.3.2. Officers have jurisdiction in the City of Sunrise in Broward County. Pursuant to FS 901.25 Officers in fresh pursuit of a person committing a felony, misdemeanor, violation of FS 316, violation of a City or County ordinance, or reasonably suspected of committing a felony have statutory authority to arrest the person outside the City of Sunrise and Broward County.

60.6.3.2.1. If outside Broward County limits and not pursuant to a fresh pursuit case, officers only have authority to make an arrest if based on a mutual aid agreement or special officer status granted by a County, State, or Federal agency having jurisdictional authority. Barring fresh pursuit, mutual aid, or special officer status, officers only have the same power as a private citizen to make a felony arrest. Private citizens have a common law right to arrest a person who commits a felony in their presence or arrest a person where a felony was committed and where the arresting citizen has probable cause to believe and does believe the person to be arrested is guilty.

60.6.4. Warrantless Arrests: (CFA: 2.07A)

60.6.4.1. Department members shall refer to the Florida Criminal Law and Motor Vehicle Handbook – Legal Guidelines and FS section 901 regarding circumstances and guidelines for warrantless arrests.

60.6.4.2. The decision to make a warrantless arrest will be guided by the factual situation involved, the officer's probable cause, and any circumstances which may exist that would preclude expending additional time to obtain an arrest warrant for the violator.

60.6.4.3. An Officer may make a warrantless arrest based on probable cause that has been established by another Sunrise Police officer.

60.6.4.4. A Sunrise Police Officer may detain a person at the request of another law enforcement agency only if sufficient probable cause exists and can be confirmed by the requesting agency.

60.6.5. Arrest by Warrant: (CFA: 2.07A)

60.6.5.1. When arresting with a warrant the Officer shall adhere to the following:

60.6.5.1.1. Officers who are not in physical contact with a subject(s) who has a confirmed warrant for his/her arrest will not attempt to effect an arrest without first consulting a supervisor.

60.6.5.1.1.1. This is to be accomplished for the purpose of identifying tactical advantages, which may be necessary to safely effect the arrest.

60.6.5.1.2. Pursuant to FS 901.16 an officer making an arrest by a warrant shall inform the person to be arrested of the cause of arrest and that a warrant has been issued, except when the person flees or forcibly resists before the officer has an opportunity to inform the person, or when giving the information will imperil the arrest.

60.6.5.1.3. The officer need not have the warrant in their possession at the time of arrest, but on request of the arrested person(s), will make arrangements to show it to them as soon as practical.

60.6.5.1.4. Only Sworn Law Enforcement Officers will execute arrest warrants.

60.6.5.2. Officers who generate arrests on charges other than a warrant will ensure that NCIC and FCIC databases are checked on all arrested persons to determine if any outstanding warrants exist.

60.6.5.2.1. Should officers generate an arrest on a person for a warrant or if teletype indicates the existence of a warrant, the officer will make every effort to verify that the warrant is active and confirm that the person in custody is the person identified in the warrant.

60.6.5.2.1.1. Officers will use all available resources to ensure the correct identity of the persons arrested or confined pursuant to a warrant or capias.

60.6.5.2.1.2. Claims of mistaken identity will be recorded on the probable cause affidavit and within the Offense/Incident report.

60.6.5.2.1.3. Suspects whose identity is doubtful will not be released from custody until positive identification is established.

60.6.5.2.2. After verifying the warrant through the Broward Sheriff's Office, the officer will obtain a copy of the warrant confirmation from teletype. The warrant confirmation will be attached to the Probable Cause Affidavit or Juvenile Case Summary. A copy will also be attached to the Offense/Incident Report.

60.6.5.2.2.1. If the warrant is from another County within the State or from another state, the officer must verify extradition.

60.6.5.2.2.1.1. If the other County or State will extradite the officer will obtain a copy of the warrant confirmation. The warrant confirmation will be attached to the Probable Cause Affidavit or Juvenile Case Summary. A copy will also be attached to the Offense/Incident Report.

60.6.5.2.3. On confirmation of a warrant or capias, the subject will be physically arrested.

60.6.5.2.3. Whenever a person is arrested on a warrant or capias, the officer will complete a Probable Cause Affidavit. An Offense/Incident report is not required.

60.6.5.2.3.1. If the arresting officer places additional nontraffic charges against the suspect, an Offense/Incident report must be completed in addition to the probable cause affidavit.

60.6.6. Notice to Appear (NTA):

60.6.6.1. A Notice to Appear (NTA) may be used as an alternative to a physical arrest for persons charged with first and/or second degree misdemeanors, or violations of a City or County Ordinance, and do not demand to be taken before a magistrate.

60.6.6.1.1. If a person does not meet the criteria as set forth for the issuance of a notice to appear, a physical arrest and transport to an approved intake facility would be the proper course of action.

60.6.6.2. An arresting officer may issue a Notice to Appear in lieu of a physical arrest unless:

60.6.6.2.1. The accused fails or refuses to sufficiently identify themselves or supply the required information.

60.6.6.2.2. The accused refuses to sign the notice to appear.

60.6.6.2.3. The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to the accused or others.

60.6.6.2.4. The accused has no ties with the jurisdiction reasonably sufficient to assure their appearance or there is substantial risk that the accused will refuse to respond to the notice.

60.6.6.2.5. The officer has any suspicion that the accused may be wanted in another jurisdiction.

60.6.6.2.6. It appears that the accused previously has failed to respond to a notice or a summons or has violated the conditions of any pretrial release program.

60.6.6.3. If the accused is issued a Notice to Appear, all required information shall be noted on the NTA as prescribed, including the case number.

60.6.6.4. An accused who has been properly identified and refuses to provide sufficient information or sign a Notice to Appear will be arrested.

60.6.6.5. Issuance of Notice to Appear to Juveniles:

60.6.6.5.1. It is the policy of the Sunrise Police Department not to issue a NTA to juveniles unless the offense is a Tobacco Law Violation as provided for in FS 569.11.

60.6.6.6. NTA Reporting:

60.6.6.6.1. To secure release, the arrestee shall give a written promise to appear in court by signing the NTA. The officer shall hand a copy of the Notice to Appear to the arrested person. A copy will be submitted to the Sunrise Police Records Unit. A copy will be filed with the State

Attorney’s Office. The NTA shall be sworn to by the arresting officer before a notary public or another police officer.

60.6.6.6.2. If the requirements of the Notice to Appear are met and no further investigation is necessary, the notice shall be issued immediately upon arrest.

60.6.6.6.3. In the sections provided on the Notice to Appear or the NTA supplement, the arresting officer shall indicate a list of witnesses and their addresses, phone numbers, and other requested information, and a list of tangible evidence.

60.6.6.6.4. Arresting officers will complete every block on the form and check all boxes that apply.

60.6.6.6.5. The arrestee must sign the NTA.

60.6.6.6.6. Oral statements made by the arrestee will be placed in the narrative, use quotes to enhance the statement within the narrative.

60.6.6.6.7. Ensure correct appearance dates from the Clerk of the Court’s Office are entered on the NTA.

60.6.6.6.8. The NTA must be signed off by the officer in the presence of a notary or another officer. If another officer or notary is not available at the scene, provide the arrestee their copy and sign the NTA prior to submission to the State Attorney’s Office and the Records Unit. The oath is primarily required for the charging document aspect. Sign-off at the scene is preferable, but not mandatory.

60.6.6.6.9. Ensure clarity in completing the NTA, especially when writing out the title of the offense.

60.6.6.6.10. The second page may be completed at the time of the original submission noting check box “Continuation”. It may also be used as a supplement after the original submission, when more information is learned, noting check box “Post Incident Supplemental Report”.

60.6.6.6.11. If property or objects are taken into evidence, such must be listed on the second page in the “Property and Objects” section for discovery purposes, regardless of whether a separate property receipt is completed.

60.6.6.6.12. Any additional documents such as: retail theft affidavit may be attached to the NTA and the check box indicating such should be checked.

60.6.6.6.13. The “PMD” check box refers to “Possible Mental Disability” and must be described in the NTA when used.

60.6.6.6.14. A separate NTA will be completed for each adult co-defendant. Juvenile co-defendants will be listed, but separate transcripts will be completed. Ensure all co-defendants (if any) are listed on each co-defendant's NTA.

60.6.6.6.15. If supplemental pages are required, the arrestee is only required to sign the first page, but receives copies of each supplement page. All pages serve as the initial discovery exhibit for court purposes.

60.6.7. City Ordinance Arrests:

60.6.7.1. Officers that observe and plan to take action on a city ordinance violation should, when available, charge arrestees with a comparable Florida Statute violation instead of a city ordinance violation.

60.6.7.2. Officers that initiate arrests on State Statute violations may use city ordinance violations for additional charges, when applicable. However, Officers should always make attempts to use comparable Florida Statutes for all charges.

60.6.7.3. In those cases where there is no comparable Florida State Statute, Officers should issue the arrestee a Notice to Appear pursuant to this policy and applicable Florida legal guidelines.

60.6.7.4. In those cases where the only charges are city ordinance violations or city ordinance violations along with a state statute charge, the Records Unit will ensure that they provide the associated reports to the Office of the City Attorney as soon as possible.

60.6.8. Miscellaneous Arrests:

60.6.8.1. Any time an Officer makes an arrest on school property either public or private they will notify the administrator of that school as soon as practical.

60.6.8.2. Any time an Officer arrests a Government Official (Federal, State, County, or Local; including the arrest of a sworn Police Officer) they will notify a Supervisor immediately. The supervisor shall in turn notify the Chief of Police through their chain of command.

60.6.8.3. If an Officer arrests another law enforcement agency's employee, sworn or civilian, the Officer will notify an on-duty Supervisor and ensure that the employee's agency is contacted as soon as possible.

60.6.8.3.1. Supervisors will initiate a higher authority notification in these circumstances.

60.6.8.4. Criminal investigations of Sunrise Police employees, sworn or civilian will be conducted in the same manner as private citizens. Any pending arrest of an employee under investigation will require the officer to detain the employee and immediately ensure that an on-duty Supervisor is notified.



- 60.6.8.4.1. Supervisors will initiate a higher authority notification and request Internal Affairs to respond.
- 60.6.8.4.2. Should Internal Affairs respond to the scene, they should assist the on-scene Supervisor to determine if:
  - 60.6.8.4.2.1. The accused employee should be arrested immediately.
  - 60.6.8.4.2.2. A warrant for the employee’s arrest should be sought.
  - 60.6.8.4.2.3. Criminal action should be delayed pending further investigation.
  - 60.6.8.4.2.4. Any additional investigative or technical expertise is needed.
- 60.6.8.4.3. A determination will be made with command staff and the Chief of Police, based upon the totality of the facts and circumstances, if the employee should be immediately suspended or placed on administrative assignment.
- 60.6.9. Alternatives to Arrest: (CFA: 2.04)
  - 60.6.9.1. There may be instances when a crime may occur and no physical arrest will be made. Decisions not to arrest will be guided by the facts of the situation, availability of reasonable alternatives, best interests of those involved, needs of the community, and interests of justice.
  - 60.6.9.2. Even when an arrest is permissible, the following alternatives may be employed at the officer’s discretion depending on the circumstances and subject to Supervisory review in accordance with Florida State Statutes:
    - 60.6.9.2.1. Florida Mental Health Act (Baker Act) - Refer to FS 394 and Department policy and procedures.
    - 60.6.9.2.2. Substance Abuse Services (Marchman Act) - Refer to FS 397.
    - 60.6.9.2.3. Homeless Assistance – Check with the Communications Unit for a listing of shelters.
    - 60.6.9.2.4. Traffic Citations.
    - 60.6.9.2.5. Notice to Appear.
    - 60.6.9.2.6. Verbal Warning.
    - 60.6.9.2.7. Releasing a Juvenile to a parent or legal guardian.
- 60.6.10. Release of Liability:

60.6.10.1. There may be instances when after taking an individual into custody, upon further investigation, it is determined that probable cause no longer exists or it is in the best interest of all parties involved to release an individual from custody pending further information. In these cases, the arresting officer shall notify a supervisor and ensure that the circumstances are detailed within their Offense/Incident Report.

60.6.10.2. The arresting officer shall further use proper judgment in releasing the subject by providing them an opportunity for transportation to their home; to the original scene, if safe and will not impede the investigation; or to some other safe location.

60.6.11. Misdemeanor Case Filing:

60.6.11.1. All misdemeanor crimes to be filed by the victim will be handled as follows:

60.6.11.1.1. The Department member will verbally explain the process of filing a misdemeanor case and will provide the victim with a printed version of the misdemeanor case filing procedure with the Broward County State Attorney's Office.

60.6.11.1.2. The Department member shall document in their Offense/Incident report that instructions for misdemeanor case filing procedures were provided to the victim.

60.6.11.2. Misdemeanor arrests filed by Department members will be documented in the Offense/Incident report or supplemental report and included in the case file.

60.6.12. Arrest Procedures:

60.6.12.1. Only sworn officers of the Department are authorized to make arrests.

60.6.12.1.1. When making an arrest, officers will inform the subject that they are under arrest, and as soon as practical advise the subject of all arrest charges.

60.6.12.1.2. Verbally advising a subject that they are under arrest is sufficient notification to effect an arrest. Officers do not need to handcuff a subject first in order for an official arrest to take place.

60.6.12.1.3. In arrest situations, whenever practical, officers who are not in uniform shall display their badge, official credentials, and announce that they are Sunrise Police Officers.

60.6.12.1.4. Once officers have arrested and safely secured the arrestee(s) they will notify the Communications Unit and a sworn supervisor via police radio.

60.6.12.1.5. Supervisors have the discretion of responding to any arrest situation or scene. Special consideration must be made for mandatory responses by the Supervisor concerning arrests that include, but are not limited to: those of a serious nature, high-profile cases, multiple arrests, at the request of a citizen, when the media is on scene, or any other circumstances as outlined by existing policy and procedures.

60.6.12.1.6. Officers will arrest subjects only upon probable cause or pursuant to an arrest warrant or capias.

60.6.12.1.7. Officers will properly record or have recorded every arrest they initiate with the Communications Unit as well as through Department police report procedures.

60.6.13. Mass Arrest Procedures:

60.6.13.1. Should an incident occur that results in the arrest of a large group of persons or should the Department's authorized holding facility exceed its maximum capacity, a separate holding location may be required either at another authorized facility or at a designated processing staging area. (CFA: 30.18)

60.6.13.1.1. Supervisors that are notified of the above or as part of pre-operations planning will select a location to be designated as a staging area/detention facility for arrestee processing and subsequent transport to an approved intake facility.

60.6.13.1.1.1. If necessary, Supervisors may need to coordinate with other agencies to utilize secure detention facilities.

60.6.13.1.1.2. Should an existing interagency agreement to utilize detention facilities be in effect, Supervisors will notify those agencies to determine suitability for using their facilities.

60.6.13.1.2. If a staging area is selected it must be large enough to accommodate several arrestees, provide processing capabilities, and secure confinement prior to transportation.

60.6.13.1.2.1. The staging area should have the capability of being equipped with food and water.

60.6.13.1.2.2. Supervisors must ensure that adequate sanitation facilities are available for arrestees and that these facilities provide the necessary privacy but can be monitored by officers.

60.6.13.1.2.3. Should the staging area be a designated facility other than another agency, Supervisors will ensure that a media relations/public information staging area is established. Supervisors will notify the Department Public Information Officer for assistance.

60.6.13.1.2.4. Supervisors will ensure that a separate area exists within the staging area for arrestees to meet with defense counsel, if necessary. The location must be able to provide privacy.

60.6.13.1.2.5. Supervisors will ensure that information is available for liaison with court and prosecutorial personnel should their assistance be required.

60.6.13.1.2.6. Supervisors must ensure that medical personnel and equipment to provide medical treatment such as first aid kits are available or readily available for those detainees who are brought to the staging area.

60.6.13.1.3. Supervisors will designate Department members as either processing or transport personnel.

60.6.13.1.3.1. Processing personnel will remain at the staging area to conduct arrestee processing responsibilities such as identification, evidence collection, and security.

60.6.13.1.3.2. Processing personnel will ensure that all appropriate paperwork and supplies are available to assist arresting officers. These supplies include, but are not limited to: Probable cause affidavits, juvenile case summaries, arrestee property receipts, property and evidence receipts, large envelopes, and evidence tape.

60.6.13.1.4. Transport personnel will initially remain at the staging area but will then be required to transport or arrange for the transport of arrestees.

60.6.13.1.5. The arresting officer/unit will bring the arrestee to the staging area for processing.

60.6.13.1.5.1. The arresting officer will provide the following information to the processing officer who will mark an envelope as follows:

60.6.13.1.5.1.1. Case and arrest number visible in bold letters.

60.6.13.1.5.1.2. Arrestee's full name and date of birth.

60.6.13.1.5.1.3. Date and time of arrest.

60.6.13.1.5.1.4. Location of arrest.

60.6.13.1.5.1.5. Offense(s) charged.

60.6.13.1.5.1.6. Arresting Officer's name and IBM number.

60.6.13.1.5.2. The probable cause affidavit and/or juvenile case summary along with the arrestee's property and property receipt will be placed inside the envelope, which will then be given to a designated transporting officer.

60.6.13.1.5.3. When necessary, the following additional steps may be taken as a cautionary measure to ensure the proper identification of arrestees:

60.6.13.1.5.3.1. A photograph may be taken of the arrestee and arresting officer holding the envelope so that the case and arrest number is visible.

60.6.13.1.5.3.2. The arrestee's right thumbprint may be imprinted on the face of the envelope.

60.6.13.1.5.3.3. The case and arrest number may be placed on flex cuffs (if used) and the back of the photograph.

60.6.13.1.6. Designated transport personnel will then transport arrestees to the approved intake facility.

60.6.13.1.6.1. The transportation of arrestees shall conform to current policy and procedures unless the number of arrested persons or the event makes this impractical. In those situations, the following alternatives may be considered at the discretion of the Shift Supervisor:

60.6.13.1.6.1.1. The use of non-caged vehicles or other unconventional vehicles.

60.6.13.1.6.1.2. The use of Department vans.

60.6.13.1.6.1.3. The use of other City Department vehicles with large seating capacities.

60.6.13.1.6.1.4. The use of other law enforcement agency vehicles, for example, the Broward Sheriff's Office mass arrest/transport vehicle.

60.6.13.1.6.1.5. When using non-police or non-caged vehicles for transporting, all necessary precautions shall be taken to avoid injury to the officer and arrestee and to prevent the escape of the arrestee.

60.6.13.1.7. The arresting officer will provide the processing officer with any evidence associated with the arrest. A separate envelope will be completed by the processing officer using the same information as outlined above.

60.6.13.1.7.1. Evidence will remain with the processing officers at the processing staging area in a secured location until such time that the evidence can be transported and stored in a secured evidence facility.

60.6.13.1.7.2. Supervisors may assign additional personnel to move evidence in an organized and timely fashion to a secure facility.

60.6.13.1.8 All relevant procedures will be followed for juvenile arrestees in accordance with current Department policy.

60.6.13.1.9. Confinement – Mass Arrests:

60.6.13.1.9.1. Should this be necessary, processing officers will comply with requirements to separate adult and juvenile arrestees and arrestees of different gender.

60.6.13.1.9.2. All necessary safety precautions will be taken for members at the staging area and arrestees.

60.6.13.1.9.3. No person other than sworn officers or court officers will be allowed to interact with an arrestee while they are at the staging area. Any requests to speak with an arrestee at the processing staging area will be brought to the attention of a Supervisor.

60.6.14. Searching Arrestees:

60.6.14.1. In all cases where a physical arrest is made, the arrested person will be thoroughly searched.

60.6.14.1.1. If the Officer and the arrestee are of the opposite sex, the officer may conduct a pat down search for officer safety.

60.6.14.1.1.1. As soon as practical, a full search by an Officer of the same sex shall be conducted.

60.6.14.1.2. The arresting officer may search the immediate area where the person was arrested, such as the scene of a crime, for evidence, contraband, and/or tools or weapons used in the commission of a crime or which may be used to escape. (CFA: 2.07F)

60.6.14.2. Pursuant to FS 901.28 the issuance of a notice to appear shall not be construed to affect an officer's authority to conduct an otherwise lawful search, as provided by law.

60.6.14.3. Searches shall be permitted as authorized by federal and state constitutional provisions. Recently enacted state or federal case law or constitutional law issues may allow officers to conduct searches not provided for in this policy, those searches shall be authorized. (CFA: 2.07I)

60.6.14.3. Strip Searches:

60.6.14.3.1. As used in this section, the term strip search means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual or manual inspection of the genitals; buttocks; anus; breasts, in the case of a female; or undergarments of such person.

60.6.14.3.1.1. All strip searches will be conducted in compliance with FS 901.211. (CFA: 2.03)

60.6.14.3.1.2. No person arrested for any misdemeanor, traffic offense, City or County ordinance violation shall be stripped search unless the incident is violent in nature, involves a weapon, or involves a controlled substance and there is probable cause to believe that the person is concealing a weapon, a controlled substance, or stolen property.

60.6.14.3.1.3. Each strip search shall be performed by a person of the same gender as the arrested person and on premises where the search cannot be observed by persons not physically conducting or observing the search in their official capacity. Any observer shall be of the same gender as the arrested person. (CFA: 2.03)

60.6.14.3.1.4. Strip searches will not be conducted without written authorization from the on-duty Supervisor. Supervisors will generate a Department approved memorandum and note the justification and conditions under which a strip search was required. (CFA: 2.03)

60.6.14.3.1.5. Officers will record in the probable cause affidavit and in the Offense/Incident report that written approval was obtained by the on-duty Supervisor in addition to the justification and conditions under which a strip search was required and results. (CFA: 2.03)

60.6.14.3.1.5.1. The original Supervisor's memorandum will be attached to all original paperwork and forwarded to the Records Unit.

60.6.14.3.1.5.2. A copy of the Supervisor's memorandum will be attached to the probable cause affidavit and sent to the approved intake facility with the arrestee.

60.6.14.3.1.5.3. A copy of the Supervisor's memorandum along with copies of the probable cause affidavit and Offense/Incident report will also be forwarded to the Chief of Police, via the chain of command.

60.6.14.3.1.6. Written authorization by a Supervisor may be given in advance for an operation likely to result in numerous arrests for felony narcotics offenses. The operation must be a preplanned activity such as a reverse sting, series of buy busts as part of a one-day operation, or roundup of subjects for a group of warrants. Only those persons arrested for felony narcotics offenses as a result of the operation may be strip searched pursuant to the advance written authorization.

60.6.14.4. Body Cavity Searches:

60.6.14.4.1. As used in this section, a body cavity search is conducted on body orifices or cavities subsequent to a finding of probable cause. Such searches will be performed only by an outside medical facility under the direct order of an administrator or designee. (CFA: 2.03)

60.6.14.4.2. All body cavity searches will be conducted pursuant to FS 901.211. (CFA: 2.03)

60.6.14.4.3. A body cavity search will be requested only when there is probable cause to believe an arrested person has concealed contraband within a body cavity. When probable cause exists, the following procedures will be followed:

60.6.14.4.3.1. The officer establishing probable cause will restrain the subject and contact a supervisor immediately.

60.6.14.4.3.2. The supervisor will notify the shift commander. The shift commander will contact the duty judge and request a court order. A verbal court order from the duty judge, via telephone, is acceptable; however, the shift commander must obtain a written order as soon as possible. (CFA: 2.03)

60.6.14.4.3.3. The subject will be transported to a local medical facility.

60.6.14.4.3.4. The subject will be kept under continuous observation by a sworn officer until the contraband is retrieved or the incident is terminated due to lack of probable cause.

60.6.14.4.3.5. Body cavity searches will only be performed by qualified medical personnel and under medically approved conditions that also safeguard the detainee's privacy. (CFA: 2.03)

60.6.14.4.3.6. No member of the Department will physically perform a body cavity search.

60.6.14.4.3.7. Any contraband retrieved will be secured and handled according to current procedures for evidence. Appropriate precautions will also be taken when handling such contraband as outlined in the Department's Exposure Control Plan.

60.6.14.4.3.8. Non-intrusive scanning devices such as ultrasound equipment may be used by medical staff instead of manual or typical instrument searches. X-rays, instruments, or surgical intrusions will be used only as authorized by medical staff.

60.6.14.4.4. All body cavity searches will be documented within the probable cause affidavit and Offense/Incident report. (CFA: 2.03)

60.6.14.4.4.1. Within the probable cause affidavit and Offense/Incident report, officers will record the following: that a court order, verbal or otherwise, was obtained by the duty judge; the justification and conditions under which a body cavity search was required; where the search was conducted; who conducted the search, the type of material retrieved. (CFA: 2.03)

60.6.14.4.4.2. The original court order will be attached to all original paperwork and forwarded to the Records Unit.

60.6.14.4.4.3. A copy of the court order will be attached to the probable cause affidavit and sent to the approved intake facility with the arrestee.

60.6.14.4.4.4. A copy of the court order, probable cause affidavit, and Offense/Incident report will also be forwarded to the Chief of Police, via the chain of command.

60.6.15. Prisoner Arrestee Release:

60.6.15.1. Individuals arrested on felony charges will be transported to an approved intake facility for bonding and release or incarceration.



60.6.15.2. Any time a detainee is being released, the arresting officer will ensure that a positive identification is made before the detainee is actually released. (CFA: 30.19)

60.6.15.2.1. Any time a detainee is being released to a parent or legal guardian, if a juvenile, the arresting officer or designee will ensure all property is returned to the detainee and documented on a property receipt. (CFA: 30.19)

60.6.15.2.1.1. The officer or designee will ensure that each item of property has been compared and listed on the property receipt and that the detainee signs the property receipt indicating that all property has been returned. (CFA: 30.19)

60.6.15.2.2. If a detainee is being released to a transporting officer from another agency, the property receipt will be given to the transporting officer who will sign the receipt. Officers or designees will obtain a copy of this receipt. (CFA: 30.04C)

60.6.16. Off-Duty Arrests:

60.6.16.1. Liability Protection:

60.6.16.1.1. Officers have liability protection pursuant to Florida Statutes for on and off-duty performance of official duties. This protection does not extend to those actions that the officer knew, or reasonably should have known, were in conflict with the law or the established policies of the Department, or where the officer acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

60.6.16.2. Authorized Off-Duty Arrests:

60.6.16.2.1. When off-duty and within the legal authority of the Department, an officer may make an arrest only when all of the following occur:

60.6.16.2.1.1. There is an immediate need to prevent a crime or apprehend a suspect.

60.6.16.2.1.2. The crime would require a full custodial arrest.

60.6.16.2.1.3. The arresting officer possesses their Department authorized weapon, official credentials, a method to secure the arrestee, and a method of communication.

60.6.16.3. Off-Duty Responsibilities:

60.6.16.3.1. While off-duty, officers are responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities.

60.6.16.3.2. When an officer is prohibited from taking off-duty enforcement actions under the provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty personnel as soon as reasonably possible.

60.6.16.3.3. Where an arrest is necessary, the off-duty arresting officer shall abide by all Departmental policies and procedures.

60.6.16.4. Prohibitions of Off-Duty Arrests:

60.6.16.4.1. Off-duty officers should generally not attempt to make arrests or engage in other enforcement actions when the provisions as listed in this policy are not met or when any of the following circumstances exist:

60.6.16.4.2. The officer is personally involved in the incident underlying the arrest; unless they are a victim of a crime.

60.6.16.4.3. The officer is engaged in off-duty employment of a non-police nature; not including off-duty special details.

60.6.16.4.4. The officer's ability or judgment to use a firearm or take a person into custody has been impaired by the use of alcoholic beverages, prescription drugs, or other medication by a physical ailment or injury.

60.6.16.4.5. A uniformed police officer is readily available to deal with the incident.

60.6.16.4.6. Off-duty officers in plain clothes will defer to all requests from uniformed officers during enforcement encounters and will identify themselves as law enforcement officers.

60.6.16.5. Off-duty Traffic Arrest:

60.6.16.5.1. Off-duty officers in private vehicles will not attempt to arrest traffic violators unless the violation is clearly dangerous and requires enforcement action. Should this occur, all Department policies shall apply.