## LEON COUNTY SHERIFF'S OFFICE

### **GENERAL ORDER**

TITLE: LIMITS OF AUTHORITY

GENERAL ORDER: 1.3

EFFECTIVE: 7 January 1997

**RESCINDS:** New

PAGES: 04

- **A. PURPOSE:** The purpose of this order is to define the scope and limits of the agency's law enforcement authority and provide guidelines related to the use of authority and the discretion sworn members may use as alternatives to physical arrest.
- **B. SCOPE:** This order shall apply to all Sheriff's Office members.
- C. **DISCUSSION:** The Constitution of the State of Florida mandates an elected Sheriff for each county of the state, unless otherwise excepted by county charter or special law. In addition, Chapter 30, F.S., mandates certain powers, duties and obligations to the Sheriff.
- **D. POLICY:** Pursuant to the authority vested by the Constitution of the State of Florida and Florida State Statutes, it shall be the policy of the Leon County Sheriff's Office to enforce the law in a fair and impartial manner. The Sheriff shall appoint deputies to assist in the performance of these duties, and deputies shall use judgment and discretion in the execution of such duties, realizing that it is not the role of the Sheriff's Office to legislate, render legal judgments or punish. Thus, in the performance of their duties, all members shall recognize both the statutory and judicial limitations of their law enforcement authority and the Constitutional rights of all persons.

# E. PROCEDURE:

- 1. Statutory Authority: Section 30.15, F.S., sets forth the powers, duties, and obligations of a sheriff. Sheriffs in their respective counties, in person or by deputy, shall:
  - **a.** Execute all process of the Supreme Court, circuit courts, county courts, and boards of county commissioners of this state, to be executed in their counties.
  - **b.** Execute such other writs, processes, warrants, and other papers directed to them, as may come to their hands to be executed in their counties.
  - **c.** Attend all terms of the circuit court and county court held in their counties.
  - **d.** Execute all orders of the boards of county commissioners of their counties, for which services they shall receive such compensation, out of the county treasury, as said boards may deem proper.
  - **e.** Be conservators of the peace in their counties.
  - **f.** Suppress tumults, riots, and unlawful assemblies in their counties with force and strong hand when necessary.
  - **g.** Apprehend, without warrant, any person disturbing the peace, and carry that person before the proper judicial officer that further proceedings may be had against him or her according to law.

- h. Have authority to raise the power of the county and command any person to assist them, when necessary, in the execution of the duties of their office; and whoever, not being physically incompetent, refuses or neglects to render such assistance, shall be punished by imprisonment in the jail not exceeding one year, or by fine not exceeding \$500.
- i. Be, ex-officio, timber agents for their counties.
- i. Perform such other duties as may be imposed upon them by law.
- **k.** Sheriffs, in their respective counties, in person or by deputy, shall, at the will of the board of county commissioners, attend, in person or by deputy, all meetings of the boards of county commissioners of their counties, for which services they shall receive such compensation, out of the county treasury, as said boards may deem proper.
- Provisions for a Physical Arrest: Section 901.15, F.S., provides authority for law enforcement officers to make arrests.
- **3.** Discretion: Deputies are cautioned to use discretion in the performance of their assigned duties, taking into consideration the conditions present at the time, the constraints of existing policy, statutes, laws, and ordinances pertaining to the situation, and the available alternatives and direction from supervisors.
  - **a.** Upon execution of a promise to appear in court, persons arrested for misdemeanors, county ordinance violations or criminal traffic offenses should not be booked into the county jail, unless the arresting deputy has specific grounds to justify physical arrest and booking.
    - 1) An accused person who has been properly identified and refuses to sign a *Notice to Appear/ Citation* or provide sufficient information for a *Notice to Appear* shall be arrested, transported, and booked in the county jail.
    - 2) The decision regarding an arrest should be made after careful consideration of the following:
      - a) Whether the arrest would cause a greater risk of harm to the general public than not arresting the offender:
      - **b)** Whether the offense can best be dealt with through informal warnings (i.e. warnings or talking with the parents of a juvenile offender);
      - c) The seriousness of the crime committed; and
      - d) Whether public empathy may be enhanced by careful use of discretion and potential ill-will can be avoided.
    - 3) Release on Signature: If the arresting deputy plans to release the defendant after securing a signature on a *Notice to Appear*, the following procedure shall be followed:
      - a) The deputy shall obtain positive identification from the accused; and
      - **b)** The following information shall be included on the *Notice to Appear*:
        - (1) The defendant's name, date of birth, employer, and correct address;
        - (2) All witnesses' names and correct addresses;

- (3) Any tangible evidence impounded, and the property report number;
- (4) The correct statute or ordinance;
- (5) Thumb or finger-print; and
- (6) All required court information.
- **b.** Alternatives to Arrest: Not all arrestable offenses require the incarceration of the offender. Alternatives to arrest and pre-arraignment confinement may be utilized. These include, but are not limited to:
  - 1) Subjects committing offenses under the influence of alcoholic beverages, narcotics, or suffering from mental disorders may be referred to the appropriate treatment facility;
    - a) Any deputy utilizing the Marchmen Act shall complete an *Offense/Incident Report* and transport the subject to Apalachee and release him/her to their custody.
    - **b)** Any deputy utilizing the Baker Act shall complete an *Offense/Incident Report* and transport the subject to Apalachee and release him/her to their custody.
  - 2) The issuance of a citation or *Notice to Appear* for misdemeanors or violations of ordinances in accordance with the guidelines in this order;
  - 3) Informal resolution of the problem;
  - 4) A verbal warning prohibiting the conduct;
  - 5) Referral to a community service organization; and
  - 6) Juveniles who may be released to the custody of a parent or legal guardian.

### F. GLOSSARY:

DISCRETION - The authority to make decisions and choices. The exercising of sound judgment.

EMPATHY - Ability to share in another's emotions or feelings; understanding.

INCARCERATION - To confine in jail.

### G. INDEXING:

AUTHORITY
ALTERNATIVES TO ARREST
DISCRETION
LIMITS OF AUTHORITY
NOTICE TO APPEAR

APPROVED:	
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