

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.

- [illegible]

- (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: _____
LARRY CAMPBELL
SHERIFF, LEON COUNTY