



LEON COUNTY SHERIFF'S OFFICE

General Order 74.3 *Arrest Procedures*

EFFECTIVE:	REVISED:	RESCINDS:
7 January 1997	6 July 2017	3 May 2017

A. PURPOSE: The purpose of this order is to establish guidelines for effecting arrests.

B. SCOPE: This order shall apply to all Leon County Sheriff's Office sworn law enforcement members.

C. DISCUSSION: None

D. POLICY: It shall be the policy of the Leon County Sheriff's Office to maintain procedures to be followed when effecting arrests.

E. DEFINITIONS: None

F. PROCEDURE:

1. Statutory Authority: Section 30.15, Florida Statutes, sets forth the powers, duties, and obligations of a sheriff. Authority for law enforcement officers to arrest is provided in Chapter 901, Florida Statutes

2. Execution of Arrest Warrants or Capias:

a. Arrest warrants received for service can only be executed within the jurisdictional boundaries of Leon County by sworn agency members in accordance Chapter 901, Florida Statutes

b. Each warrant must be confirmed prior to the actual arrest. Confirmation shall be as follows: [CFA 26.06B] [CFA 26.06C]

1) Verification of an outstanding arrest warrant through NCIC/FCIC;

2) Verification of an outstanding arrest warrant through the Justice Information System (JIS).

c. FCIC Hit on Child Support Writs of Attachment: In the event a member conducts an FCIC check on an individual and finds an active Writ of Bodily Attachment, he/she shall:

1) Confirm the writ in the same manner as a warrant. [CFA 26.06C]

- 2) Once the FCIC hit has been confirmed, the subject shall be arrested and transported to the Leon County Jail where he/she will be booked into the facility and allowed to purge out, if a purge is listed.
 - a) The only exception to that is if the defendant produces a *Payment of Child Support* receipt, (this will be the original, multi-colored copy of the receipt).
 - b) The member shall compare the information on the receipt with the information on the FCIC hit. If it matches, the subject is to be released, and not taken to jail.
 - c) It is important to compare the case number and the date of issuance on the receipt with the information provided on the FCIC hit. Writs of Bodily Attachment are civil in nature. The civil process cannot be served on Sundays from 0001 hours to 2400 hours, unless a judge authorizes the service or authorization is written on the order itself.
 - d) If the hit falls into this time frame, and the FCIC printout does not specify that service on Sunday is allowed, a *Field Investigation Report* (FIR) shall be completed on the subject, and then the subject shall be released. The FIR will be sent to the appropriate Sheriff's Office.
 - 3) The Leon County Jail shall notify the appropriate Sheriff's Office of the arrest so that the FCIC hit can be removed.
- d. Should the validity of a Leon County warrant or capias be questioned, the verification procedure is as follows: [CFA 26.06C]
- 1) The deputy will contact his/her supervisor and advise him/her of the situation.
 - 2) Warrant information is available twenty-four (24) hours a day. [CFA 26.06E] During normal business hours, 8:00 a.m.-5:00 p.m., Monday - Friday, the supervisor will call the Warrants Unit to verify the validity of the warrant/capias.
 - (a) The Warrants Unit will be responsible for contacting the appropriate clerk's office and having the file physically checked to verify any updates, etc., on the warrant/capias.
 - 3) If, after normal business hours or on a holiday, there is still a question of the validity of the warrant/capias even after checking the JIS system, the on call warrants supervisor should be contacted for consultation. In these situations the warrant unit supervisor should be notified of the outcome. [CFA 26.06E]

- 4) If confirmation cannot be made because the clerk cannot confirm the file data or the warrant/capias is no good, the subject will be released, and a *Field Interview Report* will be completed when needed, and a copy forwarded to the Warrants Supervisor.
 - 5) All out-of-county arrests will be confirmed by the Leon County Sheriff's Office Warrants Unit, upon their notification of the arrest. Also, the warrant will be confirmed the day of transport.
 - 6) Should there be a question about the validity of the warrant upon the transport officer's arrival, or anytime thereafter, the transport officer will conduct a warrant confirmation prior to transporting.
- e. The Warrants Unit supervisor shall be responsible for the distribution, processing, record keeping, filing, and updates of warrants.
- f. When a Leon County warrant is received, the following shall occur:
- 1) A warrant folder is prepared with the subject's name placed on the folder. The warrant folder becomes part of the agency files.
 - 2) All "Wanted Persons" warrants will be entered into FCIC/NCIC via the Warrants Unit Monday - Friday, 0800-1700 hours. In cases of an emergency after 1700 hours and on weekends, "Wanted Persons" shall be entered via the Consolidated Dispatch Agency by using the temporary entry format. It shall be the responsibility of the entering member, on the following week day, duty-day, to have the warrant re-entered into the Warrant Unit. All entries concerning "Wanted Persons" must have a geographic location indicated for the purpose of extradition. When acquiring a warrant, the deputy shall have this determined by the State Attorney's Office. All stolen property, missing persons, etc. shall continue to be entered into the system through the Consolidated Dispatch Agency. All entries will follow rules mandated in the FCIC Operations Manual. [CFA 26.06A]
 - 3) Upon receipt of the monthly validation report from FCIC, the Warrants Unit will review the JIS system to determine if the warrant is still valid. If there is a question as to the validity of the warrant, the appropriate clerk's office and the issuing agency will be contacted for verification. [CFA 26.06C] Should there still be a question as to the validity of the entry, then the entry will be canceled. [CFA 26.06D]
 - 4) A copy shall be made of the warrant and from this copy, service attempted.
- g. When a warrant is received from another agency, the following shall occur: [CFA 26.06B]

- 1) Obtain available information on the warrant and the subject of the warrant from the initiating agency;
- 2) Depending upon the amount of information received and the charge, the warrant is prioritized; and
- 3) Service shall then be attempted.

h. Transportation of Persons Arrested on a Leon County Warrant:

- 1) Persons arrested under these circumstances shall be taken into custody from the local arresting agency and transported to the Leon County Jail by agency members or by agencies contracted by the Leon County Sheriff's Office. This shall be done as soon as possible.
- 2) If a subject arrested pursuant to a Leon County Warrant is injured during an arrest by a local arresting agency, the subject shall receive treatment and/or be medically screened prior to being taken into custody by Leon County Jail members. This medical screening and/or treatment shall be the responsibility of the arresting agency. Documentation of medical screening and/or treatment shall be provided to Sheriff's Office members prior to taking custody of the prisoner.
- 3) If the person arrested pursuant to a Leon County Warrant has an injury that was not caused by the arresting agency, then any treatment of that injury will be the responsibility of the individual or the Leon County Jail.
- 4) The Leon County Jail shall not take custody of a prisoner with apparent life threatening, serious, or incapacitating injuries.
- 5) Persons arrested on probable cause by a local law enforcement agency who also have Leon County Warrants outstanding shall be processed in the same manner as a warrant arrest and transported by that agency to the jail. The local arresting agency shall be responsible for the completion of all the necessary paperwork on the probable cause charges.
- 6) Transportation of persons arrested by local law enforcement agencies on probable cause, out-of-county warrants or pickup orders shall be the responsibility of the arresting agency. The arresting agency shall be responsible for completing all paperwork required for incarceration at the jail.

i. Arrests on Out-of-Jurisdiction Warrants: [CFA 26.06B]

- 1) When NCIC or FCIC shows an outstanding warrant, written confirmation shall be obtained that indicates the warrant is active with the originating agency and that the agency will extradite. [CFA 26.06C]

- 2) Upon confirmation of an active warrant from one of the surrounding Florida counties (Gadsden, Liberty, Wakulla or Jefferson) and there are no existing local charges, the arrestee shall be transported to the respective county line and turned over to a deputy of that jurisdiction. If the adjoining jurisdiction does not have a deputy available then the arrestee will be transported to the Leon County Jail.
- 3) Upon confirmation of an active warrant and intent of extradition the subject shall be arrested, transported to the jail and an arrest affidavit completed.
- 4) If someone is detained because of a NCIC or FCIC hit and it is determined that the entering agency will not extradite from Leon County, then the subject shall be released if there are no known local charges.

j. Canceling Warrant Information: [CFA 26.06D]

- 1) The Warrants Unit shall ensure that the information is removed from NCIC/FCIC.
- 2) The warrant copy shall be recalled by the Warrants Unit.
- 3) The Warrants Section shall return the canceled warrant to the Clerk of the Court.

4. Arrest Made From Within a Motor Vehicle; Vehicle Searches:

- a. Deputies shall conduct vehicle searches in accordance with federal and State of Florida laws.
- b. A consent to search form should be obtained/signed when applicable.
- c. When a deputy impounds a vehicle incident to an arrest, an inventory search of the vehicle shall be conducted.

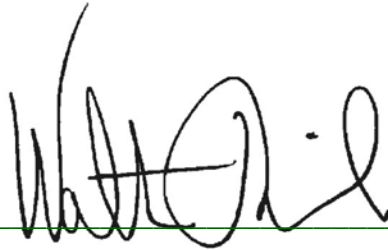
5. Discretion: Deputies are cautioned to use discretion in the performance of their assigned duties, taking into consideration the conditions present at the time, the constraints of existing policy, statutes, laws, and ordinances pertaining to the situation, and the available alternatives and direction from supervisors.

- a. Upon execution of a notice to appear in court, persons arrested for misdemeanors, county ordinance violations or criminal traffic offenses should not be booked into the county jail.
 - 1) An accused person who has been properly identified and refuses to sign a *Notice to Appear*, *Criminal Citation*, *Citation requiring a court appearance*, 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) The correct statute or ordinance;
 - (3) All required court information.
 - c) A thumb print should be obtained if there is any question as to the suspect's identity.
- b. **Alternatives to Arrest:** [CFA 2.02] 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 Marchman Act shall transport the subject to the nearest receiving facility and release him/her to their custody, in accordance with Florida Statutes. An *Offense/Incident Report* shall also be completed.
 - b) Any deputy utilizing the Baker Act shall complete transport the subject to the nearest receiving facility and release him/her to their custody, in accordance with Florida Statutes. An *Offense Incident Report* shall also be completed.

- 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 or written warning prohibiting the conduct;
- 5) Referral to a community service organization;
- 6) Juveniles who may be released to the custody of a parent or legal guardian; and
- 7) Juveniles who may receive a civil citation.

APPROVED: _____
WALT MCNEIL
SHERIFF, LEON COUNTY

A handwritten signature in black ink, appearing to read 'Walt McNeil', is written over a horizontal line.