



LEON COUNTY SHERIFF'S OFFICE

General Order 1.3 Limits of Authority

EFFECTIVE:	REVISED:	RESCINDS:
7 January 1997	4 June 2015	29 December 2010

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 sworn members.

C. DISCUSSION:
N/A

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. DEFINITIONS:

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

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

INCARCERATION - To confine in jail.

F. PROCEDURE:

1. Statutory Authority: Section 30.15, F.S., sets forth the powers, duties, and obligations of a Sheriff.

2. 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: [CFA 2.04]

- 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 complete an *Offense/Incident Report*, transport the subject to the nearest receiving facility 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 the nearest receiving facility 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 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 are eligible to receive a tobacco citation or who meet the criteria to receive a civil citation, as established in G.O. 44.1.
- 8) Adults who meet the criteria to receive a civil citation, as established in G.O. 74.3.

G. INDEXING:

N/A

APPROVED: 
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SHERIFF, LEON COUNTY