

FLORIDA SOUTHWESTERN STATE COLLEGE CAMPUS POLICE DEPARTMENT

GENERAL ORDER

TITLE: LIMITS OF AUTHORITY	GENERAL ORDER: 1.3 (Normal Risk)
EFFECTIVE: July 1, 2020	AMENDED: September 20, 2021
RESCINDS:	ORIGINATED: July 1, 2020
PAGES: 05	

A. PURPOSE: The purpose of this General 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 Campus Police Department members.

C. DISCUSSION: Each Florida College System institution is permitted and empowered to employ police officers for the Florida College System institution, who must be designated Florida College System institution police.

D. POLICY: Each Florida College System institution police officer is a law enforcement officer of the state and a conservator of the peace who has the authority to arrest, in accordance with the laws of this state, any person for a violation of state law or applicable county or municipal ordinance if that violation occurs on or in any property or facilities or within 1,000 feet of any property of the Florida College System institution by which he or she is employed or any property or facilities of a direct-support organization of such Florida College System institution or any other organization controlled by the Florida College System institution, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225. A Florida College System institution police officer may also arrest a person off campus for a violation committed on campus after a hot pursuit of that person that began on or within 1,000 feet of any such property or facilities. A Florida College System institution police officer may bear arms in the performance of his or her duties and carry out a search pursuant to a search warrant on the campus where he or she is employed.

E. PROCEDURE:

1. Statutory Authority: Section 1012.88, F.S., sets forth the powers, duties, and obligations of a Florida College System institution police officer on their respective property, in person, shall:

- a.** Upon request of the sheriff or local police authority, may serve subpoenas or other legal process and may make arrests of persons against whom arrest warrants have been issued or against whom charges have been made for violations of federal or state laws or county or municipal ordinances;
- b.** Execute such other writs, processes, warrants, and other papers directed to them, as may come to their hands to be executed in their jurisdiction;
- c.** Be conservators of the peace on their campus controlled properties;
- d.** Suppress tumults, riots, and unlawful assemblies on their campus controlled property with reasonable compliance techniques when necessary;
- e.** 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;

G.O. 1.3

f. 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 jail not exceeding one (1) year, or by fine not exceeding five hundred dollars (\$500); and

g. Perform such other duties as may be imposed upon them by law; and

h. Provisions for a Physical Arrest: Section 901.15, F.S., provides authority for law enforcement officers to make arrests.

2. Discretion: Police officers 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, the available alternatives and direction from supervisors.

a. Persons arrested for misdemeanors, county ordinance violations, or criminal traffic offenses may be released at the scene of arrest, upon execution of a promise to appear in court, rather than be booked in the county jail, unless the arresting police officer 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/Civil Citation or provides insufficient information for a Notice to Appear/Civil Citation 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 police officer plans to release the defendant after securing a signature on a Notice to Appear/Civil Citation, the following procedures shall be followed:

a) The police officer shall positively identify the suspect.

b) The following information shall be included on the Notice to Appear/Civil Citation:

(1) The suspect's name, date of birth, employer/school, and complete address;

(2) All victims'/witnesses' names and complete addresses;

(3) Any tangible evidence impounded and the property report number;

(4) The applicable statute or county ordinance the defendant is being charged with;

(5) The suspect's thumbprint or fingerprint; and

(6) All required court information.

b. Alternatives to Arrest: Not all arrest-able offenses require the incarceration of the offender. Alternatives to arrest may be utilized. These include but are not limited to:

- 1) Subjects committing offenses while under the influence of alcoholic beverages, chemical or controlled substances, or suffering from mental disorders, may be referred to the appropriate treatment facility;
 - a) Police officers initiating an involuntary examination under the provisions of the Marchman Act shall complete an Offense Incident Report and transport the subject to a licensed detoxification or addictions receiving facility or hospital.
 - b) Police officers initiating an involuntary examination under the provisions of the Baker Act shall complete an Offense Incident Report and have the person transported to the nearest medical facility as necessary, or transport the person to the nearest receiving facility, in accordance with G.O. 41.15, Mental Health Procedures.
- 2) The issuance of a Notice to Appear/Civil Citation for misdemeanors or violations of ordinances in accordance with the guidelines in this General 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.

3. Comprehensive Policies and Plans: An essential part of the agency's comprehensive policies and plans pertaining to the mobilization, deployment, or tactical operations involved in serving and protecting the public and responding to emergencies, as defined in Section 252.34(3), F.S., involves the allocation of officers and the equipment at their disposal to respond to emergencies. Therefore, the agency shall maintain the established and comprehensive inventories of all of its law enforcement resources that shall include, but not be limited to, weapons, vehicles, tactical equipment, specialty equipment, electronic equipment, and related allocation assignments. These comprehensive inventories and resources shall be maintained, evaluated, and updated as necessary through the agency's ongoing accounting of equipment, vehicles, allocation, and training and are incorporated as an integral part of the plans and policies referenced in this section by reference herein. These inventories shall be exempt from disclosure pursuant to Section 119.071(2)(d), F.S.

4. Outside of Jurisdiction Vehicle Stops: Florida College System institution police officers may enforce all the traffic laws of this state only when such violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of the Florida College System institution, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225. Traffic laws may also be enforced off-campus when hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement. Upon exceeding 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of the Florida College System institution, the police officer shall only perform a vehicle stop for the following specified purposes in Lee, Collier and Charlotte County jurisdictions:

- a. **Driving Under the Influence:** Any person who drives any vehicle exhibiting a specific driving pattern attributed to operating under the influence of an intoxicant while posing a grave danger to the motoring public (Florida Statute 316.193).

G.O. 1.3

b. Reckless Driving: Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property (Florida Statute 316.192).

1) Prior to engaging emergency equipment and stopping the violator, the police officer shall seek verbal authorization from an on-duty Sheriff's Office Supervisor via the Emergency Communications radio for the reasons outlined in this General Order as the police officer's safety is paramount. Police officers shall, therefore, take all steps and precautions necessary during traffic stops to assure their safety and well-being. An Offense Incident Report shall be completed for the vehicle stop.

2) If authorization is denied, the police officer shall make note of their observations and author an Offense Incident Report.

3) If a motorist is witnessed by a police officer committing the outlined infractions within this General Order while traveling in Hendry County jurisdiction, the police officer shall call the non-emergency phone line or 911, based on the exigent circumstances, and describe the nature of the motorist behavior. However, the police officer **shall not** effect a traffic stop on the vehicle since the police officer is not properly equipped to do so with an Emergency Communications radio connection unless the motorist's behavior rises to the level of a felony.

F. GLOSSARY:

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

EMERGENCY - Any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

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

INCARCERATION - To confine in jail.

G. INDEXING:

ALTERNATIVES TO ARREST

BAKER ACT

DISCRETION

LIMITS OF AUTHORITY

MARCHMAN ACT

NOTICE TO APPEAR/CIVIL CITATION

PHYSICAL ARREST

RELEASE ON SIGNATURE

STATUTORY AUTHORITY

H. ACCREDITATION STANDARDS:

APPROVED: *Jerry Connolly*

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