


<p>Accreditation Standards: 1.1.3, 1.1.4, 1.2.1, 1.2.2, 1.2.5, 1.2.6, 1.2.7;</p> <p>Revision: 08/97; 06/98; 9/99; 07/04; 09/05; 05/07; 10/07; 12/10; 1/23</p> <p>References: FSS 1012.97, 397.301, 901.15, 933.07, 943.10, 790.233, 741.31 (4)(a), 784.03, 806.13, 784.07, 812.015, 943.10(1) 810.08, Marchman Act, Baker Act, <i>Consular Notification and Access</i>.</p>	<p>University of Florida Police Department</p>  <p>Department Standards Directive</p>	<p>Responsibility: Administration</p> <p>Pages: 06</p> <p>Related Documents: Student Judicial Affairs Form</p>
<p>TITLE: LIMITS OF AUTHORITY</p>		

1031 Limits of Authority

1031.1 Purpose. The purpose of this directive is to define the scope and limits of authority of University of Florida Police Officers to enforce and arrest persons for violation of state laws and local ordinances. This directive also provides guidelines for the use of discretion by officers in exercising their authority.

1031.2 Discussion. Under provisions of FSS 1012.97(1), "Each university is empowered and directed to provide for police officers for the university, and such police officers shall hereafter be known and designated as the 'university police'."

University police are by statute, state law enforcement officers and conservators of the peace. They have the right to arrest any person for violation of state law or applicable county/city ordinances when the violations occur on or within 1,000 feet of any university property or facilities. Arrests may be made off campus when hot pursuit originates on or within 1,000 feet of such property or facilities, or in accordance with mutual aid agreements.

Such officers have full authority to bear arms in the performance of their duties and to execute search warrants within their territorial jurisdiction. University police, when requested by the sheriff or local police authority, may serve subpoenas or other legal process and may make arrest of any person against whom a warrant has been issued or any charge has been made in violation of federal or state law or county or city ordinances.

Enforcement of federal and state laws, local ordinances, and University of Florida rules and regulations by university police is authorized within their jurisdiction, unless specifically prohibited by law.

Exceptions to the limits of jurisdiction are addressed in mutual aid agreements with the City of Gainesville and Alachua County. See Department Standards Directive 1030 "Jurisdictional Responsibilities and Mutual Aid".

1031.3 Policy. It shall be the policy of the Department that sworn officers shall be limited in the exercise of their authority as prescribed by the Constitution of the United States, the Constitution of the State of Florida, Florida State Statutes, and Department rules and policies. Department employees shall utilize those social service programs available to the citizens of Alachua County, the diversionary programs available to members of the University of Florida community, and the juvenile criminal justice diversion program as administered by the appropriate agencies.

1031.4 Procedure. Sworn officers shall use judgment and discretion in making arrests.

A. Jurisdictional Guidelines.

1. When a crime occurs in one jurisdiction but the victim is taken into another jurisdiction, the primary investigating agency shall be the agency which has jurisdiction where the original crime was committed.
2. When two related crimes occur within two separate jurisdictions, the agency serving the jurisdiction in which the more serious crime was committed will take charge of the investigation with the other agency assisting.
3. When two related crimes occur to the same victim within separate jurisdictions, and neither is particularly more serious than the other, then the first responding agency which discovers the crime shall start the investigation and work in conjunction with the other agency.
4. When a crime occurs and there is any doubt about the geographical jurisdiction, the Department shall assume responsibility for the investigation until jurisdictional authority is resolved.
5. With crimes that may be of interest or concern to other agencies, but which did not take place in that agency's jurisdiction, the investigating officer should, as a matter of professional courtesy, keep the concerned agency advised of the status of the case.

B. Felonies.

1. A law enforcement officer as defined in FSS 943.10(1) is authorized under the provisions of FSS 901.15 to make an arrest when:
 - a. The officer reasonably believes that a felony has been or is being committed and that the person to be arrested has committed or is committing the felony;
 - b. A felony warrant for the arrest has been issued and is being held for execution by another peace officer.
2. Notwithstanding any of the provisions of law, the authority of an officer pursuant to this subsection is statewide. This subsection does not limit the arrest authority conferred on such officers by any other law.
3. The Eighth Judicial Circuit also authorizes the filing of a sworn complaint.

C. Misdemeanors.

1. A law enforcement officer as defined in FSS 943.10(1) is authorized under the provisions of FSS 901.15, to make a warrantless arrest when the officer reasonably believes that a misdemeanor has been committed in the presence of the officer. The arrest shall be made immediately or in fresh pursuit.
2. An arrest for a misdemeanor which did not occur in the presence of the officer may be affected in accordance with misdemeanor exceptions as found in FSS 901.15(6-10).
3. As provided for by law, officers may issue a notice to appear or file a sworn complaint for misdemeanor offenses. Upon issuance of a notice to appear or filing of a sworn complaint, the offender should be released at the scene.
4. A notice to appear or sworn complaint should be utilized for offenders committing misdemeanors unless:
 - a. The accused is known to be a habitual offender;
 - b. The offense was violent in nature;
 - c. The police officer has reason to believe the accused will repeat the offense if left at liberty;
 - d. The accused exhibits violent or disorderly behavior;
 - e. The accused is unable to sufficiently prove their identity or address to the officer;
 - f. The accused has previously failed to respond to a notice or summons;
 - g. The accused refuses to sign the Notice to Appear;
 - h. The accused is a juvenile, in which case the procedure for dealing with juvenile offenders shall be followed.

D. Traffic Misdemeanors and Infractions.

1. Traffic misdemeanors and infractions may be charged through the use of a Uniform Traffic Citation.
2. Florida law prescribes the manner in which persons who commit a traffic infraction are to be cited.

E. Preliminary Court Proceedings. Arresting officers are not required to attend preliminary hearings. The arrest affidavit is used in lieu of the presence of the arresting officer.

F. Officers' Discretion.

1. Officers, by nature of their job, are required to exercise discretion in the performance of their duties. The Department provides officers with written policy and procedures, directed patrol assignments, and training in order to aid them in making decisions which govern discretion in performing their duties.
2. With the exception of Departmental rules and regulations, Departmental policies generally give officers guidelines to consider in exercising their discretion. It is up to the individual officer to consider the relevant facts of the situation and use knowledge, training, and good judgment to make appropriate decisions. Decisions should be in line with policy, consistent with best practices, ethically correct, consistent with the Department's mission and values, and considerate of consequences. Officers are encouraged to seek assistance and use available resources when time permits. Supervisors must closely observe the use of discretion by their employees and point out factual errors or alternatives that may be more appropriate.
3. The use of discretion by officers is not limited to arrest situations, but may arise in numerous other situations, including the issuance of parking tickets, traffic citations, or the referral of a student to Student Conduct and Conflict Resolution.
4. Should any questions arise concerning the use of discretion, an officer shall consult with his/her supervisor.

G. Pre-Arrest Diversion Program (juveniles only). See Directive 5225- Juvenile Civil Citation Procedures.

H. Alternatives to Arrest. Under certain circumstances, officers are faced with situations where arrest and incarceration may not be possible or advisable. In such cases, officers shall offer social service programs to persons who are in need of such programs.

1. Subjects under the influence of alcoholic beverages or narcotics may possibly be involuntarily referred to other resources under the provisions of the Marchman Act of 1993. Refer to Department Standards Directive 5330.
2. Persons suffering from a mental health crisis may be taken to an emergency treatment center for an involuntary evaluation (Baker Act) or a voluntary admission. Refer to Department Standards Directive 5330.
3. Student Conduct and Conflict Resolution is an alternative applicable to University of Florida students. This alternative is an administrative hearing to provide an opportunity for discipline and counseling of those students who have been charged with violation of the Student Conduct Code and or criminal violations. Officers are encouraged to use the services provided and cooperate fully, providing information and assistance as required.

- a. Officers shall write the appropriate incident report. The Records Division is responsible for sharing the report with Student Conduct and Conflict Resolution. In certain situations, the Emergency Dean On-Call should be notified.
 - b. Students who commit offenses under the influence of alcoholic beverages or narcotics or who are suffering from a mental illness shall be referred to Student Conduct and Conflict Resolution.
 - c. Students committing misdemeanors not involving violence upon another person may be referred to Student Conduct and Conflict Resolution in lieu of filing criminal charges.
 - d. In determining whether to refer a student to Student Conduct and Conflict Resolution or make an arrest, the following criteria should be considered:
 - (1) The student's refusal to identify him/herself;
 - (2) Whether the student has provided false information;
 - (3) Whether the student is physically or verbally abusive to the officer(s).
 - e. When a student is involved in a criminal violation and there is insufficient evidence to file criminal charges, they shall be referred to Student Conduct and Conflict Resolution.
 - f. If a question exists as to what action(s) to take, the reporting officer should immediately contact his/her supervisor for additional direction.
4. The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the Department. Normally, the use of a warning occurs in traffic offenses but occasionally may be applied to criminal offenses. In determining if a warning should be issued, the officer should consider:
- a. The seriousness of the offense;
 - b. The likelihood that the offender will heed the warning;
 - c. The reputation of the offender (e.g., known repeat offender or has received a previous warning).

I. Consular Notification.

- 1. To protect the rights and privileges of all foreign nationals, Department members shall follow the State Department's *Consular Notification and Access* manual when dealing with foreign nationals.
- 2. Diplomatic and consular officials should be accorded their respective privileges, rights, and immunities as directed by international law and federal statute. These officials shall be treated

with courtesy and respect that benefit their distinguished positions. Encounters with these officials shall also be handled as directed by the State Department's publication *Consular Notification and Access*.

1031.5 Glossary.

Discretion – The authority to make decisions and choices. The exercising of sound judgment.

Felony – Any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in a state penitentiary to exceed 1 year.

Misdemeanor – Any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, not in excess of 1 year.

Notice to Appear – A written order issued by a law enforcement officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or government office at a specified date and time.

Traffic Infraction – A non-criminal traffic offense. Non-criminal traffic offenses can be cited through the issuance of a Uniform Traffic Citation.

Student Conduct and Conflict Resolution – Provides an opportunity for discipline and counseling of those students who have been charged with violation of the "Student Conduct Code."

Sworn Complaint – A statement of probable cause submitted to the States Attorney for evaluation without an arrest. A sworn complaint may be used in situations where the investigating officer believes that further review is necessary.

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Approved: _____
Bart Knowles, Chief

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