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I. Purpose of the Policy

The purpose of this order is to establish procedures for making arrests.

II. Procedures

A. Arrest Definitions

1. Arrest Warrant – A judge's order for the arrest of a suspect based on probable cause prior to a filing decision being made by the State Attorney's Office (SAO).

2. Arrestee – An individual who has been placed under physical arrest.

3. Capias – A judge's order for the arrest of a defendant that is obtained after a case has been formally filed with the Clerk of Court by the SAO.

4. Detainee – An individual who has been held based on a reasonable suspicion or probable cause.

5. eWarrants – The electronic program used by the Jacksonville Sheriff's Office (JSO) to request, store, and execute local arrest warrants and capiases. [CALEA 74.1.3]

6. Field Release – The process of releasing a suspect upon the issuance of a Notice to Appear (NTA).

7. Misdemeanor Summons – A summons issued by the Clerk of Court that commands an at-large defendant to appear in court to face misdemeanor or municipal ordinance violation charges pursuant to information concerning a violation of the law filed by the SAO. Service of a misdemeanor summons is not an arrest and the defendant is not incarcerated.

8. Notice to Appear (NTA) – An arrest in the form of a criminal citation issued to a suspect by a law enforcement officer in lieu of incarceration.

9. Physical Arrest – The process of taking a suspect into custody based on probable cause for arrest for the purpose of having that suspect booked into the Pretrial Detention Facility (PDF).

10. Probable Cause for Warrantless Arrest – The legal standard that is met when the totality of the facts and circumstances known to the officer, of which he has reasonably trustworthy information, is sufficiently strong to support a reasonable belief that the suspect has committed a crime or is engaged in the commission or attempted commission of a crime.

11. Reasonable suspicion – An investigatory stop is justified when the officer is able to articulate specific facts from which a reasonable person could rationally infer that an individual has committed, is committing, or is about to commit a crime. "Reasonable suspicion" is lower than the level of justification required for a warrantless arrest but is more than a mere hunch.

12. Writ of Attachment – A judge's order directing a sheriff or other official to physically bring before the court a person who has been found guilty of contempt of court.

B. **Arrest Authority/Officer Discretion** [CALEA 1.2.1]

1. JSO Members with Arrest Authority

   a. JSO police officers are both municipal police officers and deputy sheriffs that possess full police authority and the responsibility for making arrests and executing all legal process within Duval County. [CALEA 74.3.2]

   b. JSO dual-certified officers (DCOs) are corrections officers who have an active law enforcement certificate, allowing them to make arrests and execute legal process within JSO corrections facilities or other areas as designated by the Sheriff.

c. JSO judicial officers are sworn bailiffs who are granted jurisdiction by the Sheriff to make arrests and execute legal process within the boundaries of the Duval County Courthouse.

d. JSO corrections officers (detention deputies) are deputy sheriffs that possess limited authority to serve and execute arrest warrants and capiases on current inmates within JSO corrections facilities. Probable cause arrests are prohibited, except by DCOs. This authorization does not grant police powers or arrest authority outside of JSO corrections facilities.

2. An officer may only arrest an individual when there is:

   a. Probable cause for arrest; or

   b. An arrest warrant, capias, or other court order to take an individual into custody.

3. Officers dispatched to a call for service that may involve the apprehension of a violent felon or high-risk criminal, shall notify their immediate supervisor, who shall in turn ensure the watch lieutenant is notified, prior to any attempts of contact.

4. Prior to making a physical arrest, an officer must first objectively determine the most appropriate course of action, recognizing that there are other methods of effectively accomplishing the purpose of the law. Alternatives to physical arrest for minor and/or inadvertent misdemeanor offenses or municipal ordinance violations include: [CALEA 1.2.6, 1.2.7, 61.1.2]

   a. A warning;

   b. The issuance of an NTA, in accordance with this order;

   c. The issuance of a Form P-0719 (SAO Referral Card), in accordance with Order 210 (Patrol Function);

   d. The issuance of a Criminal Traffic Citation, in accordance with Order 220 (Traffic Function);

   e. The issuance of a Juvenile Civil Citation, in accordance with Order 231 (Juvenile Enforcement Programs); or

   f. Involuntary admission pursuant to the provisions of the Baker Act and/or Marchman Act, in accordance with Order 213 (Mentally Ill and Intoxicated Persons).

5. When an officer determines that a physical arrest is the most appropriate course of action, he shall either:

   a. Make a warrantless arrest, if permitted by Florida State Statutes (F.S.S.) 901.15 and 812.015(4); or

b. Seek an arrest warrant, in accordance with Order 302 (Filing Cases and Attending Court).

6. Arrests in Residences [CALEA 74.3.1]

a. If an arrest is to occur in the residence of a third party, entry into the third-party residence to search for a suspect without consent or the presence of exigent circumstances shall be preceded by obtaining a search warrant. Officers shall consult with their supervisor if they are unsure of the necessity for a warrant. [CALEA 1.2.4]

b. Arrest warrants must be obtained for the arrest of a suspect in that suspect's place of residence, unless any of the following circumstances exist, in which case an arrest warrant is not required:

(1) Immediate arrest is essential for the protection of any person (including a police officer) and any delay caused by obtaining a warrant will jeopardize the safety of innocent persons;

(2) Immediate arrest is essential to prevent the suspect from successfully fleeing;

(3) Lawful entry into the residence was made to prevent the destruction of evidence and an immediate arrest is pursuant to that entry;

(4) The arrest is made by the officer in fresh pursuit of a suspect (i.e., the officer has maintained visual contact with suspect during the suspect's flight to avoid arrest), and the delay caused in obtaining an arrest warrant will jeopardize the safety of innocent persons or allow the successful flight of the suspect;

(5) The arrest is made for a crime committed in the officer's presence in a residence to which the officer has already been legally admitted;

(6) The arrest is made after the officer develops probable cause for the arrest after having been legally admitted to the residence (e.g., when admission is pursuant to a search warrant and the officer, while inside the residence, intends to arrest a suspect for a previous offense, an arrest warrant shall be obtained);

(7) The arrest is made after the officer has been lawfully admitted to the residence by consent of an adult also living in the residence. The consent must be obtained without the use of deception or coercion (e.g., domestic violence cases); or

(8) The arrest is made for a violation of the law that is taking place in the residence and the arrest is necessary to prevent a continued violation.

C. **Arrest Authority Outside Duval County** [CALEA 74.3.1]

1. JSO police officers may only make an arrest outside Duval County if one of the following conditions exist:

a. The officer is in fresh pursuit of a suspect who committed a felony, misdemeanor, or municipal ordinance violation in Duval County;

b. A felony has been committed and the officer has probable cause for the arrest of the suspect who committed the felony;

c. A misdemeanor constituting a breach of peace was committed in the officer's presence; or

d. Within the state of Florida, the appropriate agency agreement will be established that grants the officer the authority to make an arrest.

2. Mutual Aid Agreements (MAA) with Neighboring Counties

a. JSO has entered into MAAs with the Clay County Sheriff's Office (CCSO), the Nassau County Sheriff's Office (NCSO), and the St. Johns County Sheriff's Office (SJCSO) that allow officers to, in the following circumstances, arrest a suspect in those counties when law enforcement authorities are not immediately available to assist:

(1) When an active arrest warrant or capias for the suspect exists; and/or

(2) When there is probable cause to arrest a suspect for a forcible felony, as described in F.S.S. 776.08.

b. Prior to taking any enforcement action in one of the three MAA counties, when feasible, an officer shall:

(1) Notify his supervisor of the circumstances;

(2) Ensure he is readily identifiable as a JSO law enforcement officer; and

(3) Relay his physical and clothing description to the other agency via the Communications Center in that county.

c. Upon arresting a suspect in one of the three MAA counties for an active arrest warrant or capias, the arresting officer shall:

(1) Immediately contact the Communications Center within the jurisdiction where the suspect was arrested and inform them of the arrest;

(2) Inform the arrestee of the charges and bond amount for the warrant or capias; and

(a) If the arrestee requests that he/she be permitted to post bond in the county where he/she was arrested, transport the arrestee to that county's jail; or

(b) If there is no bond, or if the arrestee does not request that he/she be permitted to post bond in the county in which he/she was arrested, transport the arrestee to the PDF and complete an Arrest & Booking Report in accordance with the procedures established in this order.

d. Upon locating and/or detaining a suspect in one of the three MMA counties for a forcible felony, as described in F.S.S. 776.08, the officer shall:

(1) Immediately contact the Communications Center within the jurisdiction where the suspect was located and inform them of his intent to arrest;

(2) Relay the relevant facts and circumstances to the watch lieutenant in that jurisdiction;

(3) If the watch lieutenant in that jurisdiction determines an immediate arrest is appropriate:

(a) Effect the arrest;

(b) Transport the arrestee to the PDF; and

(c) Complete an Arrest & Booking Report in accordance with the procedures established in this order.

(4) If the watch lieutenant in that jurisdiction determines an immediate arrest is not appropriate:

(a) Through the chain of command, notify the appropriate JSO division chief of that watch lieutenant's decision; and

(b) If after the JSO division chief makes contact with representatives from that jurisdiction's agency and the arrest of the individual is still not approved by that jurisdiction, return to Duval County and obtain an arrest warrant for the suspect.

e. Exception for Orange Park Medical Center in Clay County

(1) When an officer has probable cause to arrest a suspect who has been admitted to the Orange Park Medical Center, the officer has the authority to arrest the suspect at the medical center, but must follow the procedures outlined in this order regarding arrests at medical facilities.

(2) If the arrest is approved, the officer shall:

(a) Contact the CCSO Communications Center and inform them of the arrest;

(b) Upon the arrestee's release from the medical center, transport him/her to the PDF; and

(c) Complete an Arrest & Booking Report in accordance with the procedures established in this order.

D. **Notices to Appear (NTAs)**

1. Officers shall issue an NTA for a misdemeanor or municipal ordinance violation, provided the violator is eligible and there are no extenuating circumstances. Officers must obtain a supervisor's approval to physically arrest a violator who is eligible for an NTA. This approval shall be noted in the narrative of the Arrest & Booking Report. [CALEA 1.2.6, 1.2.7, 61.1.2, 82.2.1]

2. For a violator to be eligible for an NTA, all of the following criteria must be met: [CALEA 1.2.6, 1.2.7, 61.1.2, 82.2.1]

   a. The violator is 18 years of age or older;

   b. The violator can be identified using a government-issued form of identification, such as a driver's license, state identification card, military identification card, or the Driver and Vehicle Information Database (DAVID). If the violator does not possess a government-issued form of identification, they must be positively identified using the portable fingerprint scanner;

   c. The violator is a resident of the State of Florida (unless the charge is an open container violation, in which case Florida residency is not a requirement);

   d. The violator agrees to sign the citation and provide a fingerprint;

   e. There is no risk of continued violence being committed by or against the violator;

   f. The violator is not impaired by alcohol or drugs and he/she clearly demonstrates the ability to assume responsibility for himself/herself;

   g. There is no warrant for the violator's arrest;

   h. The violator has not been arrested within the last six months;

   i. The violator has not failed to appear in court within the last 12 months pursuant to a court order or NTA;

   j. The violator does not have a prior petit theft conviction (when the offense is petit theft);

   k. The offense is not:

      (1) A criminal traffic infraction (a Uniform Traffic Citation must be used instead);

(2) Cruelty to animals;

(3) Domestic violence or dating violence;

(4) Exposure of sexual organs;

(5) Prostitution;

(6) Resisting without violence;

(7) Stalking; or

(8) Violation of an Injunction for Protection.

3. To determine if a violator meets the NTA eligibility requirements regarding outstanding warrants, previous arrests, and previous failures to appear, officers must contact the Identification Unit, either via police radio (channel A-8) or by phone at (904) 630-2212, and request an "NTA eligibility check." The requesting officer shall obtain the employee identification number of the Identification Unit member who performed the check.

4. Completing and Issuing the NTA [CALEA 61.1.2, 82.2.1]

   a. Officers must fill out the NTA as completely as possible.

   b. Up to two criminal offenses can be listed on an NTA.

   c. Enter the suspect's email address at the beginning of the narrative, if available.

   d. For violations that occurred at a business, officers shall:

      (1) Enter the name of the business and the business' street address at the beginning of the narrative; and

      (2) Ensure the violator leaves the premises after being issued the NTA.

   e. Officers shall not place any victim information protected by Marsy's Law on the NTA for release to the suspect. The officer shall write "Protected Information" where this information would normally be recorded in the victim section.

   f. Officers shall ensure the violator's fingerprint is legibly rolled on all copies of the citation in the space provided. To properly obtain a violator's fingerprint, an officer should roll the right thumb, or left thumb if the right one is missing or injured, from nail to nail using a JSO-issued fingerprint pad. If neither of a violator's thumbs is available, the officer shall use the violator's right index finger. Officers shall indicate when any finger other than the right thumb was used.

g. Upon giving the violator the yellow copy of the NTA, officers shall advise the violator to bring his/her copy of the citation to the Clerk of Court Office (501 West Adams Street, Misdemeanor Department) within 10 working days. Officers must explain to the violator that failure to report to this location within 10 working days will result in the issuance of an arrest warrant.

h. Prior to the end of the shift, the issuing officer must submit the white and green copies to a supervisor, who shall:

(1) Review the NTA for accuracy;

(2) Sign the NTA in the space provided for the "Supervisor's Signature" and complete the "Notarization of Officer's Signature" section; and

(3) Ensure the approved NTA copies are properly submitted.

i. Officers shall retain all pink copies of NTA for 180 days beyond the date of issuance. After 180 days, the pink copies may be purged in accordance with Order 431 (Warrants & Validations).

j. Prior to the end of the shift, the issuing officer shall complete an Incident Report (Offense) to document the issuance of any NTA.

E. **Physical Arrests** [CALEA 1.2.5, 61.1.2, 74.3.1]

1. When making a physical arrest, officers shall:

a. Remain mindful of officer safety and request assistance when there is any potential risk to the safety of the officer or others;

b. Take necessary precautions to avoid contamination by blood-borne pathogens and airborne pathogens, as outlined in Order 531 (Communicable Disease Prevention and Protection);

c. Use only the degree of force which is reasonable and necessary to effect the arrest, protect others, protect themselves, and prevent potential escape;

d. Restrain the arrestee in accordance with Order 553 (Physical Restraints), unless an exception is granted by a supervisor;

e. Search the arrestee in accordance with the procedures outlined in this order; [CALEA 1.2.4]

f. Secure all weapons and evidence, ensuring all nearby areas are searched for any evidence that the arrestee may have discarded; [CALEA 1.2.4]

g. Ensure any injured arrestee receives appropriate medical treatment as soon as feasible;

h. Provide reasonable accommodations when the arrestee has impairments and/or other language barriers, in accordance with Order 504 (Providing Services for Disabled Individuals);

i. Advise the arrestee of his/her Constitutional Rights prior to questioning him/her about the incident (officers shall not read the arrestee his/her Constitutional Rights if the arrestee is to be interviewed by a detective, unless the assigned detective directs the officer differently); [CALEA 1.2.3]

j. If the arrestee does not possess a government-issued form of identification (e.g., driver's license, state identification card, or military identification card) they must be positively identified using the portable fingerprint scanner;

k. Conduct a search of the National Crime Information Center (NCIC)/Florida Crime Information Center (FCIC) and eWarrants databases for any active warrants or injunctions for protection, ensuring all outstanding warrants and injunctions are verified and served prior to the arrestee being booked into the PDF;

l. Complete the Arrest & Booking Report(s) in accordance with the procedures outlined in this order;

m. Not transport the arrestee to the Property & Evidence Facility; and

n. Provide the PDF Intake Control Officer with all required paper support documents (e.g., teletypes, warrant printouts, warrant served notifications, etc.). [CALEA 70.1.6]

2. Searching Arrestees [CALEA 1.2.4]

a. All arrestees shall be searched in accordance with the techniques taught by the JSO Training Academy.

b. Arrestees shall be searched prior to being placed in any vehicle, holding room, or interview room. Arrestees must also be searched upon the transfer of custody from one officer to another. [CALEA 71.1.2]

c. Arrestees should be searched discreetly, using an officer of the same gender as the arrestee when one is available. If an officer of the same gender as the arrestee is not available, the arresting officer shall ensure a witness officer or supervisor is present to witness the search.

d. In accordance with Order 612 (Corrections Search Procedures), strip searches of arrestees shall only be conducted by corrections officers and body cavity searches shall only be conducted by designated medical personnel. [CALEA 1.2.8; CFA 2.01]

e. During the search of an arrestee, when an officer locates a credit card, check, identification card, or other item containing a serialized number that appears to belong

to another individual, the officer shall conduct a search of the NCIC/FCIC and Master Name Index (MNI) databases to establish the identity of the owner and determine if the item has been reported lost or stolen. The disposition of the item must be documented in the narrative of the Arrest & Booking Report.

(1) If the item is listed as stolen, the officer shall conduct a follow-up investigation and determine the appropriate course of action.

(2) If ownership of the item can be verified and the owner either consents to the item remaining with the arrestee or the arrestee's relationship with the item owner is established by some other reasonable means (e.g., vehicle registration verifying the owner is the arrestee's spouse, etc.), the item can remain with the arrestee or be released to the owner. These details must be included in the narrative of the Arrest & Booking Report so that Department of Corrections (DOC) personnel do not seize the item and generate a separate report documenting the location of property not owned by the arrestee.

(3) If ownership of the item can be verified, but no connection to the arrestee can be established, or if the owner does not want the item to remain with the arrestee, the officer shall:

(a) Release the item to the owner if feasible, having the owner acknowledging the receipt of the property on a Form P-0214 (Signature Form); or

(b) Submit the item to the Property & Evidence Facility as found property.

3. Arrest & Booking Reports [CALEA 82.2.1]

a. A separate Arrest & Booking Report is required for each arrestee and for each separate case number, unless the charges are all from local capiases issued by the same Court division.

b. The arresting officer must ensure the Arrest & Booking Report is thorough, accurate, written from a neutral perspective, and contains the elements of each criminal and traffic offense for which the arrestee is being charged. Probable cause must be established for each criminal and traffic offense listed in the narrative of the Arrest & Booking Report.

c. Charges on an Arrest & Booking Report must be listed in the following descending order of severity:

(1) Felony charges;

(2) Misdemeanor charges; and

(3) Civil traffic infractions related to the case, including the Uniform Traffic Citation (UTC) number (e.g., 1234-ABC 1) in the space provided for each one.

d. Arrest & Booking Reports completed by JSO members must be approved by a supervisor, who shall ensure the report is complete and clearly documents the probable cause for each enumerated charge and infraction. Self-approval of Arrest & Booking Reports by JSO members is prohibited. [CALEA 41.3.7]

e. Arrest & Booking Reports completed by officers from other agencies (e.g., Florida Highway Patrol, Atlantic Beach Police Department, bail bond agencies, etc.) for arrestees being booked into the PDF are responsible for having the content of those reports approved by their agency's personnel. JSO members have no supervisory authority over other agency officers and are not permitted to serve as a reviewer for the contents of their reports. When requested by another agency's officer to serve as a notary for an Arrest & Booking Report, JSO police and corrections members shall complete the "Signature/Reviewer(s)" section but explain they are only notarizing the document.

f. Prior to an arrestee being admitted to the PDF, the arresting or transporting officer listed on the Arrest & Booking Report shall electronically sign that report. [CALEA 70.1.6]

g. In addition to the Arrest & Booking Report, the arresting officer shall also complete an Incident Report (Offense) to document an arrest. The only exceptions are arrests for the following: [CALEA 70.1.6]

(1) Arrest warrant from other jurisdiction (complete an Information Report instead);

(2) Bond revocation (no separate report required);

(3) Capias (no separate report required);

(4) Courtroom charge (no separate report required);

(5) Failures to appear (no separate report required);

(6) Fugitive from justice (complete an Information Report instead);

(7) Immigration and Customs Enforcement (ICE) hold (no separate report required);

(8) In-transit hold (no separate report required);

(9) Violations of probation (no separate report required); and

(10) Writs of attachment (no separate report required).

4. Habitual/Violent Offenders [CALEA 42.1.5]

a. In accordance with F.S.S. 775.084 and 985.475, certain arrestees may be classified as habitual or violent offenders and may face enhanced sentencing guidelines.

b. All felony arrests in Duval County are reviewed by the SAO for the purpose of identifying any arrestee that should be classified as a habitual or violent offender.

5. Following the arrest of a suspect, the arresting officer shall ensure the victim and/or victim's family is notified of the arrest and provided with all relevant information regarding victim/witness services. [CALEA 55.1.1, 55.2.5]

F. **Detective Notifications**

1. When an arrest is made for any Category B or C case, as established in Order 210 (Patrol Function), the arresting officer shall refer to the appropriate unit order to determine if any detective notification is required.

2. When a suspect is to be interviewed by a detective, the detective (not the arresting officer) shall ensure the suspect is read his/her Constitutional Rights (unless the assigned detective directs the officer differently). Even when an arrestee is to be interviewed by a detective, officers should not discourage the arrestee from talking about a case. When an arrestee makes unsolicited statements related to a case, the officer shall: [CALEA 1.2.3]

   a. Document the statements, including any invocation of his/her right to remain silent or to counsel, as direct quotes in the narrative of the appropriate report; [CALEA 1.2.3]

   b. Record the statements on a handheld recording device, if feasible; and

   c. Relay the statements to the detective prior to the arrestee being interviewed.

3. When an arrestee is transported to the JSO Headquarters for the purpose of being interviewed by a detective, the transporting officer shall remain with the arrestee until the detective advises the officer he can return to duty. Certain situations, such as multiple arrestees or the unavailability of additional detectives, shall require the officer to transport the arrestee to the PDF after the interview. With regards to interview room procedures, officers shall adhere to the provisions established in Order 310 (Investigations).

G. **Serving Local Arrest Warrants and Capiases** [CALEA 1.2.5, 74.3.1]

1. When serving an arrest warrant, an officer should first attempt to gain voluntary compliance from the suspect. If voluntary compliance is not possible or feasible, the officer shall confer with his supervisor to consider alternative methods, such as covert surveillance, the use of a ruse, or the involvement of the suspect's family.

2. After an arrestee is detained, all outstanding arrest warrants and capiases must be validated by the Identification Unit via radio. Upon the warrant/capias being validated, the Identification Unit shall select "Validate" in eWarrants, along with the relevant status:

   a. Original ("Served Notification" document will not be printed at the PDF); or

b. Electronic ("Served Notification" document will be printed at the PDF).

3. When completing an Arrest & Booking Report for a local arrest warrant, the arresting officer shall:

   a. Use the Central Communication Report (CCR) number from the arrest warrant;

   b. Include the circumstances under which the arrestee was taken into custody and any subsequent statements made by the arrestee;

   c. Include the verbatim narrative from the arrest warrant (not the verbatim narrative from the Incident Report or Supplemental Report that documented the arrest warrant being obtained) in the narrative section of the Arrest & Booking Report (this requirement does not apply to capiases); and

   d. Complete a Supplemental Report to the original Incident Report, in which the following information is updated:

      (1) The Suspect section reflects the arrestee's most current information;

      (2) The exact offenses entered on the Arrest & Booking Report are the ones selected for the suspect;

      (3) The Property section reflects the correct status, disposition, and details for all evidence/property; and

      (4) The clearance status is changed to "Cleared by Arrest."

4. Serving Warrants in the eWarrants Database

   a. The status of any local warrant or capias shall be updated in eWarrants immediately upon it being served, recalled, or dismissed.

   b. To serve a warrant/capias in eWarrants, the arresting officer shall:

      (1) Log into eWarrants;

      (2) Choose the mode of search from the dropdown menu and select "Go";

      (3) Complete all required fields and select either "Extended Search" or "Exact Search," depending upon the desired type of search;

      (4) Ensure the status field shows "Active" and select the arrestee's name;

      (5) Select "Detail" to view additional details, such as the case number, defendant's address, and date of birth;

(6) Once the warrant/capias has been validated by the Identification Unit, refresh the screen or return to the "Detail" page (after a warrant/capias is validated, it can only be served within the next 12 hours, after which the validation process must be completed again); and

(7) Choose his name from the dropdown list of arresting officers and select "Serve Warrant" to complete the process.

c. After serving an arrest warrant/capias in eWarrants, the officer shall retrieve the relevant paperwork from the Identification Unit and transport the arrestee to the PDF.

5. If there is probable cause for the arrest of a suspect and an arrest warrant based on that probable cause is pending in the eWarrants system (e.g., an assistant state attorney (ASA) has approved the warrant, but a judge has not yet signed it), an officer who makes contact with that suspect shall:

a. Effect the arrest consistent with the procedures established in this order;

b. Update the status of the request to "Withdrawn" in eWarrants; and

c. Complete a Supplemental Report to document the reason the arrest warrant was withdrawn.

H. **Arrest Warrants and Capiases from Other Jurisdictions** [CALEA 1.2.5, 74.3.1]

1. In order to arrest an individual for an arrest warrant from another jurisdiction, JSO must be in possession of the warrant or teletype with the following information:

a. Subject's name;

b. Description (if possible);

c. Warrant number;

d. Charge;

e. Bond amount;

f. Date of warrant;

g. Returnable date; and

h. Judge's name, court, and location.

2. When completing an Arrest & Booking Report for any capias or arrest warrant from another jurisdiction, in- state charges only, the arresting officer shall:

a. Use the CCR number from the current call; and

b. Type "Arrest Warrant/Capias Served" in the narrative.

3. When arresting an individual for an arrest warrant from an out-of-state jurisdiction with no additional local charges, the arresting officer shall:

   a. Complete the Arrest & Booking Report using the "Fugitive from Justice" charge (not the charges listed on the warrant);

   b. Include the name of the issuing jurisdiction, agency/city, and state in the Arrest & Booking Report;

   c. List all charges from the teletype in the narrative of the Arrest & Booking Report;

   d. Notate no bond (all out-of-state charges are no bond, regardless of what is stated on the teletype);

   e. Use "Incident Cleared by Arrest" (do not write "Warrant Served" in the narrative of the Arrest & Booking Report); and

   f. Use the CCR number from the current call.

4. When placing a detainer for an arrest warrant from an out-of-state jurisdiction with additional local charges on an adult arrestee, the arresting officer shall:

   a. Complete the Arrest & Booking Report using only the local charges (i.e., not the charges from the warrant or teletype);

   b. Complete a Form P-0839 (Detainer) with the "Fugitive from Justice" charge listed on the form; and

   c. Provide the Intake Control officer with the Form P-0839 (Detainer) and a printout of the teletype confirmation from the out-of-state jurisdiction.

5. When serving an arrest warrant from another Florida jurisdiction with no additional local charges, the arresting officer shall:

   a. Complete the Arrest & Booking Report using the "Out of County Warrant" charge and select the type of arrest (i.e., felony, misdemeanor, or civil) based on the charge(s) listed on the warrant or teletype; and

   b. Enter all available information for each offense listed on the Arrest & Booking Report, including the name of the issuing agency.

6. When serving an arrest warrant from another Florida jurisdiction on an adult arrestee with additional local charges, the arresting officer shall:

a. Complete the Arrest & Booking Report using only the local charges (i.e., not the charges from the warrant or teletype); and

b. Complete a Form P-0839 (Detainer) with the charge(s) listed on the warrant or teletype.

7. When serving an arrest warrant from another Florida jurisdiction on a juvenile arrestee with additional local charges, the arresting officer shall:

a. Complete the Arrest & Booking Report using only the local charges (i.e., not the charges from the warrant or teletype); and

b. Complete a separate Arrest & Booking Report for the warrant with the charge(s) listed on the warrant or teletype. If there are multiple warrants, an Arrest & Booking Report must be completed for each warrant. A detainer may not be used for juvenile arrestees.

I. **Privileges and Immunities**

1. Certain individuals are entitled to privileges and immunities under various laws and treaties. However, officers must always take appropriate action during exigent circumstances to address a threat to public safety, to prevent the commission of a serious criminal act, and/or to defend oneself.

2. Foreign Diplomats and Consular Officials [CALEA 1.1.4]

a. The United States (U.S.) Department of State (DOS) issues identification cards to foreign diplomats and consular officials, along with their family members and employees. These DOS identification cards indicate the specific types of privileges and immunities to which an individual is entitled under the Vienna Convention on Consular Relations (VCCR) and related treaties with foreign governments.

b. When presented with a DOS identification card, an officer shall:

(1) Carefully examine the card to determine the individual's level of immunity; and

(2) Notify his supervisor of the circumstances of the contact.

c. DOS Identification Cards

(1) Blue-bordered DOS identification cards are issued to diplomatic officers, United Nations (UN) diplomatic officers, and their families. They are entitled to full criminal immunity and may not be arrested or detained.

(2) Green-bordered DOS identification cards are issued to:

(a) Embassy administrative and technical employees, who are entitled to full criminal immunity; and

(b) Embassy service employees, who are entitled to immunity for official acts only.

(3) Red-bordered DOS cards are issued to:

(a) Career consular officers, career consular employees, and honorary consular officers, who are entitled to immunity for official acts only; and

(b) Consular officers, employees, and their families from certain countries (with which the U.S. has special agreements), who are entitled to full criminal immunity and may not be arrested or detained.

d. For more information regarding a specific person's status or immunity, including claims that a crime was committed pursuant to an "official act," officers may:

(1) Contact the Bureau of Consular Affairs during working hours at (202) 485-7703;

(2) Contact the DOS Operations Center after hours at (202) 647-1512; and/or

(3) Visit the DOS webpage to view the Consular Notification and Access guide.

e. Under the terms of the VCCR, foreign personnel with a DOS identification card cannot be arrested for a criminal traffic violation but may be issued a traffic citation. While they are not required to pay any fines associated with the traffic citation, the issuance of the citations is important because it allows the DOS to track traffic violations and could lead to the revocation of immunities and privileges if continued violations are committed.

3. Foreign Nationals [CALEA 1.1.4]

a. Under the terms of the VCCR, an arrested or detained foreign national has the right to contact and communicate with his/her country's consular officials without delay.

b. When arresting or detaining any foreign national (a person who is not a U.S. citizen), the arresting officer shall notify his supervisor. The supervisor shall ensure the PDF Watch Lieutenant is notified of any arrest of a foreign national so that the PDF Watch Lieutenant can initiate the appropriate consular notifications.

4. Legislators

a. U.S. senators and representatives are privileged from arrest or detention when attending, or traveling to and from, their respective sessions, unless the legislator commits:

(1) A felony, including treason; or

(2) Breach of peace.

b. When detaining a legislator for one of the enumerated offenses, an officer shall immediately notify his supervisor.

5. U.S. Mail Drivers, Train Engineers, and Bus Drivers

a. U.S. Mail drivers, train engineers, or bus drivers shall not be taken into custody for minor, non-violent criminal offenses when they are actively responsible for the operation of their respective vehicles.

b. When a physical arrest is necessary due to the commission of a felony, violent misdemeanor, or threat to public safety, the officer shall notify his supervisor.

c. Upon a supervisor's approval for arrest, the arresting officer shall ensure arrangements are made to either:

(1) Release the vehicle at the scene to an authorized person; or

(2) Transport the vehicle to the appropriate location.

J. **Holding Rooms**

1. Holding rooms are secured, temporary collection points used to maintain custody of detainees prior to transport to the PDF or a medical facility. These facilities must have: [CALEA 71.1.1, 71.1.2, 71.4.1]

a. Security features necessary to prevent escape; [CALEA 71.1.1]

b. Controls to reduce the possibility of invading the detainee's privacy; [CALEA 71.1.2]

c. Sufficient lighting and adequate circulation of fresh or purified air; and

d. Signage directing detainees to knock on the door or call out if assistance is needed.

2. The holding room approved for use by JSO officers is located at the TIAA Field Stadium Security Office. [CALEA 71.1.1]

3. The Chief of Special Events, or his designee, shall: [CALEA 71.4.3]

a. Ensure all holding rooms are inspected annually to ensure they meet the facility requirements enumerated above; and

b. Complete an annual administrative review of all holding rooms and procedures.

4. All affected agency members shall be given training regarding the use of holding rooms and temporarily detaining individuals. This training shall include the following: [CALEA 71.3.1]

a. A documented initial and annual review of the policies and procedures;

b. Initial training at the Training Academy;

c. Annual refresher training; and

d. Refresher training following any modifications to the facility, equipment, or procedures.

5. Before placing a detainee in a holding room, the officer shall: [CALEA 71.3.1]

   a. Maintain constant supervision of the detainee until he/she is securely placed in the holding room; [CALEA 71.3.3]

   b. Male and female officers may supervise male detainees. Female detainees should be supervised by a female officer. If a female officer is not available, a minimum of two male officers shall be present when female detainees are being held in holding areas; [CFA 22.17]

   c. Thoroughly search the detainee before entering the holding room, removing, and securing all items; [CALEA 71.1.2, 71.3.2; CFA 22.04]

   d. Document the detainee's property on Form P-0819 (Itemized Inventory of Property) by identifying the item amount, type of property, and description of property. The Form P-0819 (Itemized Inventory of Property) shall be retained by the Special Events Unit; [CFA 22.04]

   e. Ensuring the detainee's personal property is securely stored and transferred to the transporting officer, if applicable; and [CALEA 71.1.2; CFA 22.04]

   f. Conduct a security inspection of the holding room to ensure there is no contraband and no potential for escape. [CALEA 71.4.3]

6. Upon placing a detainee in the holding room, the officer shall: [CALEA 71.1.2]

   a. Take necessary precautions to ensure his approved weapons remain securely in his possession at all times;

   b. Use his portable radio to immediately alert other officers to any emergency situation or to request medical assistance;

   c. Not permit any other non-detainee to access the room or visit the detainee;

   d. Advise the detainee to knock on the door or call out if a restroom break, water, or other assistance is needed; [CALEA 71.3.2]; [CFA 31.01]

   e. Periodically offer restroom breaks and/or water to the detainee; [CFA 31.01]

f. Lock the facility door when the detainee is left unattended to prevent any potential escape; [CALEA 71.1.2, 71.3.1]

g. Ensure the detainee remains handcuffed while in the holding room, in accordance with Order 553 (Physical Restraints), and is never secured to any fixed object within the holding room; [CALEA 71.1.2; 71.3.1; CFA 31.01]

h. Ensure the detainee is not being placed in a holding room with another detainee of the opposite gender; [CALEA 71.3.1; CFA 31.01]

i. Observe all detainees, including those identified as being suicidal or a danger to themselves, at least once every 15 minutes or every 10 minutes if the detainee is a juvenile using an officer of the same gender as the detainee when one is available. [CALEA 71.3.1, 71.3.2; CFA 22.05, 22.16]

j. Document the following information on Form P-0202 (Holding/Interview Room Observation Form): [CALEA 71.3.1, 71.4.1; CFA 22.05, 22.16]

(1) The reason for the detention;

(2) The date and times the detainee was placed in and removed from the facility;

(3) Times of meals/water and personal breaks, if any; and

(4) Times the detainee was observed by the officer.

k. If the detainee is a juvenile, in addition to the above procedures:

(1) Ensure the juvenile detainee is not placed in a holding room with an adult detainee. [CALEA 71.1.2; CFA 31.01]

(2) Ensure the secure custody of the juvenile does not exceed six hours before the juvenile is delivered to the appropriate juvenile detention facility or is released.

(3) If the detention of the juvenile exceeds six hours, refer to Order 310 (Investigations) for guidance on non-secure custody status requirements.

7. In the event of a detainee escape, officers shall follow the escape procedures established in Order 202 (Detainee Transport) and Order 361 (Intelligence). The detaining officer is responsible for: [CALEA 71.1.2 ;CFA 22.11]

a. Immediately alerting other members to the escape by providing a Be-on-the-Lookout (BOLO) over the appropriate radio frequency; and

b. Informing other members, via radio, when the escapee is captured.

8. All detainees' property must remain secured at all times and be delivered to the PDF or Property & Evidence Facility, so that it can be properly inventoried. Arresting officers shall transfer all of a detainees' property to the assigned transporting officer, if applicable, prior to the transporting officer leaving the holding room. [CALEA 71.3.2 ; CFA 22.04]

9. In the event of an emergency situation (e.g., fire, hazardous device, etc.), which could potentially impact the holding rooms: [CALEA 71.4.2]

    a. The appropriate unit (e.g., Hazardous Devices Unit, etc.) or external agency (e.g., Jacksonville Fire and Rescue Department [JFRD], etc.) shall be requested via radio to respond to handle the incident; and

    b. All detainees shall be removed from the building by the detaining officer or designee.

K. **Arrests of Individuals Requiring Medical Attention** [CALEA 70.3.2]

1. When an arrestee needs or is requesting medical attention due to injury or illness, the arresting officer shall immediately request JFRD through the appropriate Police Dispatcher. JFRD personnel will evaluate and treat the arrestee.

2. JFRD personnel will also transport the arrestee to a medical facility, if necessary. When an arrestee is transported to a medical facility, the arresting officer shall ensure an officer stays in close proximity to the arrestee at all times. If an officer accompanies an arrestee inside a rescue unit to a medical facility, a second officer must follow behind that rescue unit to the medical facility.

3. If JFRD transports the arrestee to:

    a. Any UF Health Jacksonville facility, the arresting officer shall initiate the absentee-booking procedures; or

    b. Any other medical facility (e.g., Orange Park Medical Center, Memorial Hospital, etc.), the arresting officer's department director shall be notified via chain of command to determine the detention status of the arrestee.

4. If JFRD does not transport the arrestee to a hospital, but the arrestee still requires hospitalization, the arresting officer shall transport the arrestee to UF Health Jacksonville (downtown location) and initiate the absentee-booking procedures.

5. Any juvenile who has been injured, is intoxicated, or is seriously ill must receive medical clearance from a medical facility before he/she can be taken to the PDF. Upon arrival at the medical facility, the arresting officer should initiate absentee-booking procedures unless the medical personnel advises the juvenile will be medically cleared and released within a reasonable amount of time. Arresting officers shall confer with their supervisors regarding these situations.

6. Once an arrestee has been declared medically unstable or infectious by a medical provider, JFRD shall be requested to transport the arrestee. Officers are prohibited from transporting medically unstable or infectious individuals.

7. Physical Arrests at Medical Facilities

   a. Prior to arresting any individual who is receiving or about to receive medical care in a local hospital or medical facility, other than UF Health Jacksonville (downtown location), an officer must:

      (1) Obtain approval via his chain of command from his department director; and

      (2) Notify and coordinate with hospital security, when feasible, to allow the hospital to arrange for the relaying of medical information.

   b. When an officer experiences issues with the hospital security personnel or if the arrest involves sensitive circumstances, he shall notify the on-call hospital administrator. Officers in need of further guidance shall confer with their supervisors.

L. **Absentee Booking at Hospitals** [CALEA 70.3.2]

1. To absentee book an arrestee who has been transported to an area hospital, the arresting officer shall:

   a. Contact the PDF Administrative Sergeant at (904) 630-5763 and request a contract security guard or corrections officer to assume responsibility for the arrestee;

   b. Remain with the arrestee until relieved by the contract security guard or corrections officer;

   c. Inform the contract security guard or corrections officer if multiple suspects from the same incident are being hospitalized, so they can be kept separate; [CALEA 70.1.6]

   d. Complete a Form P-0302 (Addendum to Electronic Arrest Report), obtaining the arrestee's right thumbprint;

   e. Document the following in the Arrest & Booking Report:

      (1) The circumstances regarding the hospitalization, including the nature of the arrestee's injuries and the hospital to which he was admitted; and

      (2) The name and arrival time of the contract security guard or corrections officer who took custody of the arrestee.

   f. Upon approval of the Arrest & Booking Report, deliver the completed Form P-0302 (Addendum to Electronic Arrest Report) to the PDF and sign the Arrest & Booking Report.

M. **Arrests of Intoxicated Individuals** [CALEA 61.1.2]

1. When an adult arrestee is intoxicated, the arresting officer shall:

   a. Ensure the arrestee receives any necessary medical treatment at the scene; and

   b. Transport the adult arrestee to the PDF.

2. When a juvenile arrestee is intoxicated, the arresting officer shall: [CALEA 44.2.2]

   a. Ensure the arrestee receives any necessary medical treatment at the scene;

   b. Transport the arrestee to UF Health Jacksonville (downtown location) to be medically cleared; and

   c. Ensure the juvenile is transported to the PDF once he/she is medically cleared or absentee booked if medical clearance is not expected in a reasonable amount of time.

N. **Arrests of Juveniles** [CALEA 44.2.3, 1.2.5]

1. While Florida law generally encourages the use of a home environment when possible for juveniles awaiting a court hearing, Florida law provides that a juvenile may be taken into custody under the following circumstances:

   a. Pursuant to an order of the Circuit Court;

   b. For a delinquent act or any violation of law that would be punishable by incarceration if the violation had been committed by an adult;

   c. For failing to appear at a court hearing after being given adequate notice;

   d. For violating the conditions of his/her probation, home detention, post-community probation, or conditional release supervision; or

   e. The juvenile has absconded from non-residential commitment or escaped from residential commitment.

2. A juvenile alleged to have committed a delinquent act or violation of law may not be arrested and placed into secure, non-secure, or home detention care for any of the following reasons:

   a. To allow a parent to avoid his/her legal responsibility;

   b. To permit more convenient administrative access to the juvenile;

   c. To facilitate further interviews or investigation; or

d. Due to the unavailability of the most appropriate facility.

3. When arresting a juvenile, an officer shall:

   a. Determine whether the juvenile is alleged to have been harmed or was in danger of being harmed prior to being taken into custody; [CALEA 44.2.2]

   b. Not transport the juvenile arrestee with an adult arrestee or an arrestee of the opposite gender, unless they were arrested during the same incident;

   c. Properly restrain the juvenile arrestee during transport with a safety belt; and

   d. Transport the juvenile arrestee to the appropriate receiving facility without delay. [CALEA 44.2.2, 44.2.3]

4. Notification of Parents or Guardians [CALEA 44.2.2, 44.2.3]

   a. In addition to ensuring a juvenile arrestee is afforded the same Constitutional Rights to which adult arrestees are entitled, the arresting officer is required to attempt to notify the parents, guardian, or legal custodian of the arrestee until:

      (1) Successful notification has been made; or

      (2) The juvenile is delivered to the receiving facility.

   b. All parental notifications and attempted notifications shall be documented in the narrative of the appropriate report.

   c. It is not required for an officer to await the arrival of a juvenile arrestee's parent before beginning a custodial interview or interrogation. However, when determining the admissibility of a juvenile's statement, courts consider the age of the juvenile and the officer's attempts to comply with any reasonable request from the parent or guardian. Failure to stop a custodial interview after a parent or guardian has requested to meet with the juvenile may result in the suppression of the statement. [CALEA 44.2.3]

5. After arresting a juvenile, officers are required to conduct a name check through the Identification Unit to determine if the juvenile:

   a. Has an outstanding custody order, the terms of which may require alternative placement; and/or

   b. Has been certified as an adult by the court, in which case the juvenile may need to be processed as an adult. Refer to Order 621 (Intake Operations) for specific directions on how to process Juvenile Custody Order Arrest & Booking Reports.

6. When arresting a juvenile who is also a truant or curfew violator at the time of the arrest, the arresting officer shall ensure the appropriate report is completed to capture the additional violation.

7. Upon arrival at the PDF with a juvenile arrestee, the transporting officer shall:

   a. Notify the Intake Control Officer of the juvenile arrestee's name;

   b. Proceed to the Juvenile Processing Area;

   c. Not remove any restraining device from the juvenile; and

   d. Maintain custody of the juvenile until the juvenile has been processed by DOC personnel and medically cleared.

O. **Arrests of Mentally Ill Individuals**

When an arrestee qualifies for involuntary admittance under the provisions of the Baker Act, the arresting officer shall:

a. Transport the arrestee to the PDF or UF Health Jacksonville (downtown location) if medical treatment is needed;

b. Include all known details regarding the arrestee's mental health status in the Arrest & Booking Report narrative; and

c. Upon arrival at the PDF, notify the Intake Control officer of the arrestee's mental health status so that the arrestee can receive the appropriate mental health treatment.

P. **Arrests at the Duval County Courthouse**

1. All pre-planned arrests (e.g., warrants, capias, writs, etc.) by non-courthouse personnel (e.g., patrol, detective, special units, etc.) to be effected inside the Duval County Courthouse shall be coordinated through the Courthouse Security Control Office (Room 5133) by calling (904) 255-1710.

2. A Courthouse Security sergeant or higher authority shall accompany the officer to effect the arrest and assign other personnel as necessary.

3. In the event the arrestee has a pending court case, the presiding judge shall be notified by Courthouse Security personnel.

4. All arrestees shall be secured and transferred to the Courthouse holding area. Courthouse holding area bailiffs shall move all arrestees to the Sallyport for transportation to the appropriate facility.

5. Transportation shall be arranged by the officer requesting the arrest, in accordance with the procedures outlined in Order 202 (Detainee Transport).

6. All personal property (except contraband) shall be delivered to the receiving facility with the arrestee.

Q. **Arrests for Violations of Probation**

1. Officers may effect a warrantless arrest for the charge of violation of probation if an individual is currently on probation from any county in the State of Florida and:

   a. Commits a criminal offense;

   b. Knowingly associates with a criminal gang member, a person associated with gang members, or a person engaging in any criminal activity;

   c. Is in possession of a firearm or ammunition;

   d. Has used or is in possession of alcohol or illegal drugs; or

   e. Violates any of the following special conditions of release, if established for that specific individual by the Court:

      (1) Is not at his/her residence during the hours of an imposed curfew (usually 2200 to 0600 hours);

      (2) Has made direct or indirect contact with the victim, victim's family, or any other individual specifically listed in the conditions of release; or

      (3) Currently resides within 1,000 feet of a school, childcare facility, park, playground, or other place where children regularly congregate, despite being ordered not to due to the victim having been under the age of 18 at the time of the original offense.

2. Prior to effecting a warrantless arrest for violation of probation or parole, the officer must verify if the individual is on probation or parole. The officer shall verify the individual's probationary/parole status and any special conditions of his/her release by conducting a query on NCIC/FCIC and the Florida Department of Corrections (FDC) website at www.dc.state.fl.us. The FDC website refers to individuals on parole using the following supervision types: parole, conditional release, control release, conditional medical release, or addiction-recovery supervision. If the supervision type is listed as probation, the officer shall verify the original jurisdiction through the Identification Unit to ensure proper charge (i.e., in-county or out of county) for violation of probation. The Identification Unit will confirm the originating jurisdiction of the probation. If the officer cannot confirm the terms of probation using both query methods, he shall not make a warrantless arrest for violation of probation. For subjects that are being monitored in Duval County, but the probation originated elsewhere, officers should use the Out of County charge. When completing the

Arrest & Booking Report for Violation of Probation - Out of County, officers must select "Other" for the Jurisdiction type field within the Agency Records Management System (ARMS).

3. When completing the Arrest & Booking Report for a warrantless violation of probation charge, the officer shall:

   a. Select the appropriate violation of probation charge (F.S.S. 948.06) that includes the appropriate description based on the arrestee's original charge;

   b. Not include any other charges on the Arrest & Booking Report (a separate Arrest & Report must be completed if the arrestee committed other offenses);

   c. Include a cross reference to any other Arrest & Booking Report that was completed for the arrestee; and

   d. In the narrative, list all conditions of release the arrestee violated.

4. Officers shall not make warrantless arrests for violation of probation if the individual is on probation from another state, even when the individual currently resides in Florida and is on supervised release in Florida (i.e., Interstate Compact Case).

5. Warrants and capiases that contain violation of probation charges are handled like any other warrant or capias.

6. When requested to assist FDC Community Corrections Officers, officers shall perform any tasks that fall within their scope of training (e.g., serving arrest warrants, addressing criminal violations that were committed at an FDC area office, transporting the offender to the PDF, and/or placing evidence in the JSO Property & Evidence Facility).

R. **Arrests for Violations of Adult Dancing/Entertainment City of Jacksonville (COJ) Municipal Ordinance**

1. The Lieutenant of Vice Unit shall be consulted prior to enforcing any provisions of the COJ Municipal Ordinance Chapter 150 (Adult Entertainment and Services) and Chapter 151 (Dancing Entertainment Code).

2. The Lieutenant of Vice Unit can be contacted via the Investigative Police Dispatcher.

S. **Arrests for Trafficking in Narcotics**

Upon leaving the PDF after a trafficking in narcotics arrest, the arresting officer shall:

   a. Ensure all property and evidence is submitted in accordance with Order 481 (Property & Evidence); and

b. Ensure the Form P-0009 (Property Storage Card) is sent to PDFBooking@jaxsheriff.org prior to leaving the Property & Evidence Facility.



T. K. Waters, Sheriff
Jacksonville Sheriff's Office

References: