
	<b>Florida State University Police Department</b>	
<b>LIMITS OF AUTHORITY/ARREST PROCEDURES</b>		
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### ***Policy***

It shall be the policy of the Department that sworn officers shall exercise their authority as prescribed by the Constitution of the United States, the Constitution of the State of Florida and state statutes. Department employees will utilize social service programs available to the citizens of Leon County, the diversionary programs available to members of the Florida State University community, and the juvenile criminal justice diversion program as administered by appropriate agencies.

The purpose of this general order is to define the scope and limits of authority of Florida State University 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.

### **Limits of Authority**

Under provisions of Section 1012.97, F.S., each state university is empowered and directed to provide for the law enforcement function and police officers. Such police officers shall hereafter be known and designated as the "university police." The statute specifically provides: The university police are hereby declared to be law enforcement officers of the state and conservators of the peace with the right to arrest, in accordance with the laws of this state, any person for violation of state law or applicable county or city ordinances when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the state university or a direct-support organization of such university, except that arrest may be made off campus when hot pursuit originates on any such property or facilities. Such officers shall 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 of violation of federal or state laws or county or city ordinances.

University police shall promptly deliver all persons arrested and charged with a felony to the sheriff of the county within which the university is located, and all persons arrested and charged with misdemeanors shall be delivered to the applicable authority as may be provided by law, but otherwise to the sheriff of the county in which the university is located.

University police must meet the minimum standards established by the Criminal Justice Standards and Training Commission and Chapter 943, F.S. Each police officer shall, before entering into the performance of his or her duties, take the oath of office as established by the university; and the university may obtain and approve a bond on each officer, payable to the Governor and his or her successors in office, conditioned on the faithful performance of the duties of such university police officer.

State law also empowers university police to act outside their state university jurisdictions in circumstances where hot pursuit is involved, specific distances off-campus when traffic infractions are observed, and/or where the state university police department is empowered with extra-jurisdictional authority by Memoranda of Understanding (MOU's) with municipal or county law enforcement agencies.

The FSU Police Department has a Memorandum of Understanding with the City of Tallahassee Police Department and the Leon County Sheriff's Office to provide police services to campus community that is in close proximity to the campus.

The 2013 Florida Legislature amended Section 316.640(1)(b), F.S., to permit university police officers to enforce state traffic codes within 1,000 feet of state university property, i.e., land, facilities, direct-support organizations (DSO's) or any other organization controlled by the university or a direct-support organization, or when violations take place in specific jurisdictional areas as agreed upon in a mutual aid agreement.

Florida Statue 1012.97 permits University Police to have arrest powers within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of the state university, a direct-support organization (DSO) of such university or any other organization controlled by the state university, 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 (1.).

## ***Procedures***

### **A. Jurisdictional Guidelines**

When a crime occurs in one jurisdiction, but the victim is taken into another jurisdiction, the primary investigatory agency shall be the agency which has jurisdiction where the original crime was committed.

1. When two 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.
2. 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.
3. When a crime occurs and there is doubt about the geographical jurisdiction, the Department shall assume responsibility for the investigation until jurisdictional authority is resolved.
4. 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.
  - a. Upon approval of the on duty shift supervisor, officers shall respond to requests for assistance made by other public service agencies outside the boundaries of the MOU, providing such requests pertain to the need for police or emergency services in an area near the campus, and providing such assistance can be rendered without jeopardizing the safety or security of the University community.
  - b. Officers having knowledge of an emergency situation adjacent to the campus shall, with the approval of the on-duty supervisor, take what action might be necessary to reduce the emergency and stabilize the situation. The on-duty supervisor will take such steps as may

be necessary to limit the scope of University police involvement and insure that the appropriate agency is notified of the situation.

5. Officers who, in proper performance of their official duties, observe off-campus criminal activity or hazardous traffic violations of such a nature as to endanger life or limb will take reasonable police action and that which follows the guidelines set forth in the MOU.
  - a. Any involvement of on-duty officers in off-campus law enforcement matters will require the prior approval of the on-duty supervisor. A written report of any such incident is required for inclusion in Departmental records.
  - b. Any felony in progress, crime against person, or misdemeanor involving the endangerment of life or limb will be acted upon by officers of this Department who witness such activity.
  - c. Officers may engage in pursuit in order to apprehend an individual reasonably suspected of committing a felony or threat of violence to another person. Such crimes include, but not limited to murder, all degrees, manslaughter, vehicular homicide, aggravated assault, aggravated battery, sexual battery, battery on a law enforcement officer, kidnapping, aggravated child abuse and robbery.
6. Other official duties may require an officer to leave the immediate campus area. In every such case, the on-duty supervisor will be advised by the officer prior to his/her leaving the campus area.
  - a. Officers conducting preliminary and follow-up investigations off-campus will consult with their supervisor who will coordinate such activities with appropriate local law enforcement agencies.
  - b. Officers involved in fresh pursuits, which leave the immediate campus area, will notify their supervisor who will coordinate any necessary assistance with the appropriate agencies.
  - c. Officers assigned to work special assignments will provide any necessary police services concurrent with their assignment.
7. No officer of this Department, while off-duty, shall seek involvement in law enforcement matters not directly related to the safety and security of the University community. However, this general order shall not prohibit any officer from taking the necessary and proper actions in any situation involving the possible loss of life or limb.

#### **B. Fresh Pursuit and Arrest Beyond Jurisdiction**

Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

1. Any sworn officer of this Department, when in fresh pursuit of any person who has committed a felony or who is reasonably suspected of having committed a felony, or who has committed a misdemeanor or violated a city ordinance, may arrest and detain that person anywhere in the State of Florida.
  - a. Immediately upon the apprehension of the person being freshly pursued, the officer(s) involved must notify the officer in charge of the jurisdiction in which the arrest was made.
  - b. Upon receipt of such notification, the particular officer having jurisdiction and the arresting officer shall arrange to take the arrested person before a county judge or other committing magistrate of that particular county without unnecessary delay. The judge or magistrate will provide for the disposition of the arrested person.

2. Any sworn officer of this Department, when in fresh pursuit of any person who has committed a felony or who is reasonably suspected of having committed a felon may arrest and detain that person in any state honoring the Uniform Law on Fresh Pursuit.
  - a. Any officer affecting an out-of-state arrest under fresh pursuit authority will, without unnecessary delay, take the arrested person before a County Court Judge or other judicial officer having jurisdiction of commitment, in the county in which the arrest was made.
  - b. The County Court Judge or other judicial officer will provide for the disposition of the arrested person by holding for extradition, releasing on bail, or releasing without charges.
3. Any officer, having effected an arrest following fresh pursuit beyond jurisdiction, will not return the arrested person to Leon County without first complying with the requirements set forth in this general order and obtaining proper clearance from the particular judicial authority.

#### **C. Felonies**

A law enforcement officer as defined in Section 943.10(1), F.S., is authorized under the provisions of Section 901.15(11), to make an arrest when:

1. The officer reasonably believes that a felony involving violence has been or is being committed and that the person to be arrested has committed or is committing the felony;
2. While engaged in the exercise of his state law enforcement duties, an officer reasonably believes that a felony has been committed;
3. A felony warrant for the arrest has been issued and is being held for execution by another peace officer.
4. 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.

#### **D. Misdemeanors**

As provided for by law, a person arrested for committing a misdemeanor may be issued a Notice to Appear (NTA) in court. Upon issuance of an NTA (misdemeanor citation), the person cited should be released at the scene.

1. An NTA may be issued to 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 has no valid address or does not reside in the State of Florida;
  - f. The accused has previously failed to respond to a notice or summons;
  - g. The accused refuses to sign the NTA, or is unable to provide sufficient identification;
  - h. The accused is a juvenile in which case the procedure for dealing with juvenile offenders shall be followed.
2. The officer shall ensure the following information is included on the NTA:
  - a. Positive identification and a correct address of the accused;
  - b. State statute or ordinance numbers;
  - c. Required court information;

- d. Facts establishing probable cause.

#### **E. Traffic Misdemeanors and Infractions**

Traffic misdemeanors and infractions may be charged through the use of a Uniform Traffic Citation.

1. Florida law prescribes the manner in which persons who commit a criminal traffic infraction are to be cited. Any person criminally cited shall sign and accept the citation indicating a willingness to appear in court or submit to a civil penalty.
2. Florida law provides that any person who willfully refuses to sign and accept a Uniform Traffic Citation which is either criminal in nature or requires a mandatory court appearance commits a misdemeanor of the second degree, shall be cited for refusing to sign a summons, arrested, and booked into the Leon County Detention Facility.

#### **F. 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.

#### **G. Officers' Discretion**

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 governing discretion in performing their duties.

With the exception of explicit provisions requiring certain actions or behavior within Departmental general orders, Departmental policies generally give officers guidelines to consider in exercising their discretion. It is up to the individual officer to consider the relevant facts, the situation, and then using knowledge, training, and good judgment, make appropriate decisions. Supervisors must closely observe the use of discretion by their employees and point out factual errors or alternatives that may be more appropriate.

1. 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 the Office of Student Rights and Responsibilities.
2. Should any questions arise concerning the use of discretion, an officer shall consult with his/her supervisor.

#### **H. Alternatives to Arrest [CFA 2.02]**

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

1. Subjects under the influence of alcoholic beverages or narcotics may be referred to other resources. Refer to the General Order titled "Baker/Marchman Act & Crisis Services".
2. If a criminal offense has been committed, a sworn complaint may be filed.
3. Persons suffering from a mental illness may be taken to the nearest receiving facility a voluntary evaluation or an involuntary admission. Refer to the General Order titled "Baker/Marchman Act & Crisis Services".

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.
5. The issuance of a trespass warning (TPW) may be another means of providing a satisfactory solution to a problem involving an individual whose presence on campus, or in certain buildings or areas of the campus, presents an actual or potential disruption to public safety and general order. Officers issuing TPWs shall follow the provisions discussed in General Order titled, "Field Interviews/Trespass."
6. If a question exists as to what action(s) to take, the reporting officer should immediately contact his/her supervisor for additional direction.

#### **I. Office of Student Rights and Responsibilities Referrals**

This is an additional process applicable to Florida State University students. This process is a series of administrative steps providing an opportunity for discipline and/or counseling for those students who have been charged with a violation of the "Student Conduct Code." Officers are encouraged to cooperate fully with this process by providing information and assistance as needed.

#### **J. Withdrawal/Abandonment of Criminal Charges**

In situations where the arresting officer believes it is in the best interest to withdraw/abandoned a criminal charge(s), the officer will notify, in writing, their immediate supervisor, the Records Manager, and the Compliance & Professional Standards Lieutenant of the reason for the request. The request will be further reviewed and approved/disapproved by the appropriate command level. The Records Manager will act as the liaison with the Clerk of the Court and the State Attorney's Office regarding any request to withdraw/abandoned criminal charges. Documentation regarding the request to withdraw/abandoned a criminal charge will be made part of the case file.

### ***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 (NTA)** - 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 specific 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.

**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.

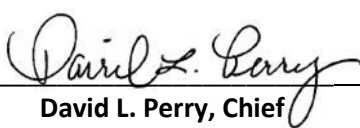
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***Attachments***—None

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