

<b>POLICY 503</b>	<b>ARREST - NOTICE TO APPEAR</b>	
	REVISED: 1/93, 10/09, 04/11, 02/14, 04/14, <b>11/17</b>	RELATED POLICIES:
	CFA STANDARDS: 2.04	REVIEWED: AS NEEDED

**A. POLICY**

It is the policy of the Department to issue a Notice to Appear when in the judgment of the officer, it will be in the best interest of the public and the City to do so and the offense meets the guidelines of Florida Statute 901.28 and Florida Rule of Criminal Procedure 3.125.

**B. DEFINITION**

Unless otherwise indicated, a notice to appear means 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 governmental office at a specified date and time.

**C. PROCEDURE**

1. If a person is arrested for an offense declared to be a misdemeanor of the first or second degree or for a violation of a municipal or county ordinance, triable in the county court and does not demand to be taken before a magistrate, the arresting officer or booking officer may issue such person a Notice to Appear unless:
  - a. The accused fails to identify them self sufficiently or supply the required information.
  - b. The accused refuses to sign the Notice to Appear.
  - c. The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to them self or others.
  - d. There is substantial risk that they will refuse to respond to the notice.
  - e. The officer has any suspicion that the accused may be wanted in any jurisdiction.
  - f. It appears that the accused has previously failed to respond to a notice or a summons or has violated the conditions of any pretrial release program.
2. If a Notice to Appear is issued for a misdemeanor or violation of a municipal or county ordinance, the notice shall be issued with minimal delay.
3. The arresting officer shall prepare, in quadruplicate, a written Notice to Appear for court purposes containing the following information:

- a. Name and address of the accused.
  - b. Date of offense.
  - c. Offense(s) charged — by statute and municipal ordinance as applicable.
  - d. Counts of each offense.
  - e. Name and address of the trial court having jurisdiction to try the offense(s) charged.
  - f. Name of the arresting officer.
  - g. Name(s) of any other person(s) charged at the same time.
  - h. Signature of the accused (a fingerprint cannot be substituted for a signature).
4. The Fort Lauderdale Police Department Offense Incident Report (Z-496) is not required to be completed in conjunction with the Notice to Appear. A properly prepared Notice to Appear can suffice as the arresting officer's report of the incident.
  5. The narrative section of the Notice to Appear shall be a complete documentation of the incident, not just limited to the elements of the offense.
  6. "To Be Set" is to be written in the **YOU MUST APPEAR** section of the Notice to Appear. This does not affect setting dates on civil traffic citations.
  7. The issuance of a Notice to Appear shall not be construed to affect a law enforcement officer's authority to conduct an otherwise lawful search as provided by law.
  8. Supervisors will review all NTAs.