


<b>POLICY 501.4</b>	<b>WARRANTLESS ARRESTS</b>	
	REVISED: 2/98; 3/00, 06/05, 04/13, 04/15, 11/16	RELATED POLICIES: <b>501.1, 501.2, 501.5, 501.6, 501.7, 501.8, 501.9, 501.10, 111.3</b>
	CFA STANDARDS:	REVIEWED: AS NEEDED

**A. GENERAL**

1. The arrest must comply with the 4th, 5th, and 6th Amendments to the Constitution of the United States of America.
2. The arrest must comply with F.S. 901.15.
3. On all felony arrests made in Fort Lauderdale, the suspect will be processed at the Fort Lauderdale Police Department prisoner intake processing area or the Broward County Jail.
4. Fort Lauderdale officers will complete a written offense report and an arrest affidavit.
5. Officers shall refer to Florida Legal Guidelines, #2, Warrantless Arrest (in the Florida Criminal Law Motor Vehicle Handbook and Selected City Ordinances), for more detailed information.

**B. FELONY**

A Fort Lauderdale police officer may make warrantless arrests if the officer has probable cause to believe a felony has been or is being committed and the person to be arrested is the perpetrator of that felony.

**C. MISDEMEANOR**

1. With the following exceptions, in order for a Fort Lauderdale Police Officer to make a valid arrest for a misdemeanor, the misdemeanor must be committed in the presence of the officer and the arrest shall be made immediately or in fresh pursuit. For an exception to apply, the officer must reasonably believe the defendant committed the misdemeanor offense.
2. **Exceptions:** Arrest for Misdemeanor Which Is Not Committed in the Officer's Presence - Instances where a police officer may make a warrantless arrest for a misdemeanor which has not been committed in the officer's presence are:
  - a. F.S. 790.15(9)(a), Battery;
  - b. F.S. 316.645, Traffic accident arrest; Arrest authority of officer at scene of a traffic crash.—A police officer who makes an investigation at the scene of a traffic crash may arrest any driver of a vehicle involved in the crash when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this chapter, chapter 320, or chapter 322 in connection with the crash
  - c. F.S. 790.02, Carrying concealed weapons; Officer to arrest without warrant and upon probable cause.—The carrying of a concealed weapon is

declared a breach of peace, and any officer authorized to make arrests under the laws of this state may make arrests without warrant of persons violating the provisions of s. 790.01 when said officer has reasonable grounds or probable cause to believe that the offense of carrying a concealed weapon is being committed.

- d. F.S. 509.143, Disorderly conduct on the premises of an establishment; A law enforcement officer may arrest, either on or off the premises of the licensed establishment and without a warrant, any person the officer has probable cause to believe violated s. 877.03 on the premises of a licensed establishment and, in the course of such violation, created a threat to the life or safety of the person or others.
- e. F.S. 509.162(2), Theft of personal property; Any law enforcement officer may arrest, either on or off the premises and without warrant, any person if there is probable cause to believe that person has committed theft in a public lodging establishment or in a public food service establishment.
- f. F.S. 810.097(4), Trespassing upon public school grounds; Any law enforcement officer may arrest either on or off the premises and without warrant any person the officer has probable cause for believing has committed the offense of trespass upon the grounds of a school facility. Such arrest shall not render the law enforcement officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.
- g. F.S. 741.30, 740.31, 901.15 (7), Act of domestic violence;
- h. F.S. 784.048 (6), Stalking; A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.
- i. F.S. 893.13(6)(d), Possession of less than 20 grams of cannabis; Notwithstanding any provision to the contrary of the laws of this state relating to arrest, a law enforcement officer may arrest without warrant any person who the officer has probable cause to believe is violating the provisions of this chapter relating to possession of cannabis.
- j. F.S. 784.046 and 901.15(6), Violation of an injunction against repeat violence;
- k. F.S. 741.30, 901.15(6) and 905.15(6), Violation of an injunction against domestic violence;
- l. F.S. 806.13 and 901.15(9)(b), Criminal mischief or graffiti-related offense;
- m. F.S. 790.233 and 901.15(6), Possession of a firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence;
- n. F.S. 812.015(4), Retail theft, farm theft, transit evasion, trespass on transit property and/or using or attempting to use an antishoplifting or inventory control device countermeasure. Any law enforcement officer may arrest, either on or off the premises and without warrant, any person the officer has probable cause to believe unlawfully possesses, or is unlawfully using

or attempting to use or has used or attempted to use, any antishoplifting or inventory control device countermeasure or has committed theft in a retail or wholesale establishment or on commercial or private farm lands of a farmer or transit fare evasion or trespass.

- o. F.S. 901.15(13) Probable cause to believe that the person has committed an act that violates a condition of pretrial release when the original arrest was for an act of domestic violence;
- p. F.S. 901.15(10), a misdemeanor has been committed, based upon a signed affidavit provided to the officer by a law enforcement officer of the United States government; and
- q. F.S. 901.15(11)(a) A law enforcement officer of the Florida National Guard, recognized as such by the Uniform Code of Military Justice or the United States Department of Defense Regulations, has probable cause to believe a felony was committed on state military property or when a felony or misdemeanor was committed in his or her presence on such property.

**D. APPLICABLE FLORIDA STATUTES:**

- 1. 901.15 - When arrest by officer without warrant is lawful.
- 2. 901.17 - Method of arrest by officer without warrant.