


| POLICY 501.1  |  | ARRESTS  |  |
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|   | CFA STANDARDS: <b>2.07, 17.10, 18.16, 29.01, 29.02, 29.03, 29.06, 29.07, 39.01</b> | Reviewed: 08/04, 12/07, 03/10, 08/10, 10/14, 02/16                               |  |

**A. POLICY**

It is the policy of the Fort Lauderdale Police Department to comply with all applicable federal, state and local laws when making arrests.

**B. PROCEDURES**

1. Once the decision is made to effect an arrest, the suspect will be notified that he/she is under arrest, and will be made aware of the charges against them as soon as it is expedient to do so.
2. The suspect shall be immediately handcuffed, regardless of whether the arrest is for a misdemeanor or felony.
  - a. Steel handcuffs shall be used because of their speed of application and superior control. Flex cuffs shall be used as a supplement, as in the case of multiple arrests.
  - b. The suspect shall always be handcuffed with hands behind the back, unless physical handicap makes it impractical to do so. Care should be taken when restraining disabled, sick, injured, intoxicated, drug impaired, and mentally disturbed arrestees so as not to complicate or compound the condition.
    - (1). The arresting officer shall make a reasonable effort to determine if the arrestee has any disability, illness or injury, which requires special restraining methods. If any of these conditions dictate that a prisoner not be restrained or be restrained in a manner other than described in this policy, the officer shall advise a supervisor.
    - (2). Positional Asphyxia is a phenomenon, which some forensic pathologists have associated with the sudden death of some inmates who have been restrained in a prone position with their hands cuffed behind their back.
      - (a). In civil actions, courts have held the municipality, department and officer civilly liable for the deaths of persons in custody when they are restrained in such a position.
      - (b). In cases involving violent prisoners, mentally ill patients, intoxicated or drug impaired persons in custody, where it is necessary to subdue the person, as soon as possible, the

officer shall place the person in an upright position to avoid the possibility of Positional Asphyxia.

- (3). Any situation requiring restraints other than normal handcuffing procedures shall be documented in an offense report. Refer to Section E. for Hobble Restraint.
  - c. Handcuffs shall always be double locked. Otherwise, they can tighten due to prisoner movement and may cause unnecessary injury. In addition, it is more difficult to defeat the double lock.
  - d. Do not attempt to handcuff unless the suspect is under control.
    - (1). Multiple officers may be needed to control violent suspects.
    - (2). The suspect shall be kept off balance while being handcuffed.
    - (3). The "wall search" position shall be avoided in favor of the free standing position, kneeling position, or the prone position.
  - e. If officers observe signs of breathing difficulties including, but not limited to choking, gasping, panting, unconsciousness, or change of skin coloration indicating lack of oxygen, they shall immediately request EMS or during exigent circumstances, transport the subject to the nearest hospital.
3. The suspect will then be searched for weapons and/or contraband. Care shall be used in searching a suspect's pockets, which may contain needles or razors. Strip searches will not be conducted outside the Prisoner Intake Processing Area or holding facility except under extraordinary circumstances. If a strip search is performed, it must be documented in the original Police report, including the reasons for such a search. No strip search shall be conducted except as permitted under § 901.211, Fla. Stat.
  - a. Anytime a Police Officer or Reserve Police Officer takes anyone into custody, the prisoner will be searched by the arresting officer prior to being transported. When the transporting officer is of the opposite gender of the prisoner and an officer of the same gender as the prisoner is available, the same gender officer must conduct the search.
  - b. If the transporting officer is anyone other than the arresting officer, the transporting officer will again search the prisoner prior to transporting. This search will be conducted regardless of whether or not the transporting officer witnessed the arresting officer's search of the prisoner.
  - c. Upon arrival at the Prisoner Intake Processing Area, the transporting officer will again search the prisoner and remove all property before he/she is introduced into the secure processing area. If it is known that the arrestee is a security threat or escape risk, it shall be so noted on the top of the probable cause affidavit and the transporting officer shall also notify BSO Prisoner Intake.

- d. Each time a prisoner is moved from one location to another; e.g., interview area to a Detention facility, the custodial officer will search the prisoner.
4. Upon arrival at the FLPD Prisoner Intake Processing Area, the arresting officer shall:
  - a. Conduct an NCIC/FCIC wanted and missing person check. The results of the wanted/missing person check shall be noted on the top of the probable cause affidavit.
5. Prisoner Intake Processing Area/Sally Port: In order to complete the prisoner intake process in the most efficient manner possible, it will be necessary for officers transporting prisoners to enter the sally port from the west side. Six parking spaces at the Prisoner Intake Processing Area will be designated for processing purposes only. Officers may utilize these spaces while completing probable cause affidavits or other paperwork related to prisoner intake processing. After completing the necessary paperwork, officers should approach the west gate of the sally port. Assigned intake personnel will ensure that the area is secured and will open the gate. The officer will drive his/her vehicle into the secured area and complete the intake process. The prisoner will then be booked at the FLPD Processing Area according to Policy 502.1 (BOOKING PROCEDURES). Upon completion of the intake process, the officer will place the arrested individual in their vehicle and exit the sally port through the east gate.
6. The prisoner will then be transported to the appropriate holding facility.
  - a. Reasonable care shall be used when transporting disabled, sick, injured or violent prisoners.
    - (1). If necessary, such individuals shall be transported separately.
    - (2). If a disability requires special transportation, the arresting officer shall make the necessary arrangements to accommodate the disability and any medical apparatus needed. Further, the officer shall document all actions taken in this regard.
    - (3). If the prisoner has an illness or injury, which requires transportation by ambulance or emergency medical personnel, and is possibly prone to violence, an officer may accompany the prisoner in the transport vehicle with approval of a supervisor.
  - b. Juveniles shall not be transported with adults arrested for an unrelated crime unless the vehicle has been specifically modified to accommodate this type of transportation.
  - c. Prisoners of the opposite gender arrested for an unrelated crime will not be transported together unless the vehicle has been specifically modified to accommodate this type of transportation.
  - d. Any time an officer transports a prisoner of the opposite gender, the officer shall advise the dispatcher of the transport vehicle mileage, from permanent odometer, not trip meter, prior to transporting and again upon arrival at their destination.

- e. No prisoner shall be transported unless such prisoner is properly handcuffed except as may be prescribed in this policy.
  - f. Prisoners shall only be transported in vehicles having secure prisoner compartments, which can only be opened from the outside, except under unusual circumstances.
  - g. Vehicle doors shall be locked. Whenever practical, the prisoners should be secured with the vehicle safety belt.
  - h. Prisoners need not be belted when it would subject the officer to undue danger or if other circumstances make it impractical.
  - i. Officers shall be aware of their obligation and possible safety hazard of having handcuffed, safety belted prisoners in a vehicle in the event of an accident.
  - j. At no time shall a prisoner be handcuffed or shackled to any part of the vehicle with any device other than a safety belt or properly deployed Hobble Restraint Device designed for that purpose.
  - k. It is the duty of the transporting officer to maintain control of prisoners at all times.
  - l. Prisoners shall not be left unattended at any time. If the transporting officer must leave the prisoner for any reason, that officer shall ensure that another officer is present to control the prisoner in their absence.
  - m. Prisoners should be monitored to prevent talking to other prisoners, if such conversation would jeopardize the arrest or investigation. Any contact with non-prisoners is discouraged and should only be allowed under direct supervision.
  - n. If a prisoner becomes unruly or violent during transport the officer should not stop unless absolutely necessary. The officer should call for assistance and stop only upon arrival of backup units when sufficient officers are present to take control of the prisoner.
  - o. At no time shall an officer open the prisoner compartment without sufficient backup.
  - p. While transporting prisoners, no officer shall stop or deviate from a direct route to the FLPD Processing Area or other destination except under exigent circumstances; e.g., medical emergencies, preventing escape or Supervisors authorization.
  - q. Prior to removing prisoners from the transport vehicle, they will be checked to ensure the handcuffs are secure.
  - r. The prisoner will be escorted into the processing area. No prisoner shall be allowed to walk unescorted in the sally port.
7. The transporting unit will be searched for discarded weapons or contraband after the prisoner is secured. The transporting unit must be searched by the officer at the beginning of his tour and after being occupied by anyone to ensure the vehicle does not contain discarded weapons or contraband.

8. Main Station
  - a. If the suspect is to be interviewed by an officer or detective, the prisoner shall be taken directly to the Criminal Investigations Division and placed in one of the secured interview rooms. The suspect shall not be left unattended.
  - b. Use of pre-typed probable cause affidavits are not authorized by this Department. Judges will find no probable cause where pre-typed probable cause affidavits are utilized.
  - c. Affidavits must continue to be notarized in the presence of the arresting officer.
9. The offense report detailing the incident and arrest shall be completed by the arresting officer and submitted to a supervisor prior to the officer completing his or her shift, unless otherwise approved by a supervisor.
10. In the case of a juvenile arrest, the aforementioned procedures are the same with the following additions/exceptions:
  - a. A Juvenile Transcript will be completed in addition to the offense report.
  - b. Although an adult Probable Cause Affidavit is not normally required for juvenile misdemeanor or felony arrests, if the officer feels the juvenile may be charged as an adult or he/she is a chronic, repeat, or serious and violent offender, then the adult Probable Cause Affidavit shall also be completed for expediency, and submitted with the Juvenile Transcript.
11. Any evidence concerning the arrest incident will be submitted to the Evidence Section in accordance with the existing evidence policy and prior to the completion of the current shift.
12. The prisoner is the responsibility of the arresting Officer throughout the entire intake process, and will not be released from custody except under the following conditions:
  - a. After having been issued a Notice To Appear;
  - b. When a determination has been made by a Lieutenant or higher rank to void an arrest. In this case, the Lieutenant (or higher ranking officer) will sign a release order (Form Z-552) and will memorialize the reason(s) for voiding the arrest in a supplement to the original report.

#### **C. RIGHTS OF AN ARRESTED PERSON**

Police officers shall respect the rights of all arrested persons. In this regard, police officers conduct shall be in compliance with applicable federal and state law.

#### **D. VICTIM NOT WISHING PROSECUTION**

There are occasions when an officer is confronted with a victim of a crime who does not wish to prosecute the suspect(s).

1. With few exceptions, a refusal to prosecute by a victim will be sufficient to prevent a successful filing of the case with the Office of the State Attorney or the

City's Municipal Prosecutor. Moreover, if such an arrest is made (absent any other charges or outstanding warrants) civil liability concerns may arise. Therefore, the following procedure will be adhered to in the event that a victim does not wish a suspect to be arrested at the scene:

- a. The victim's signature will be obtained to corroborate his or her intention not to prosecute.
  - b. The officer will clearly document the refusal to prosecute in the offense report.
  - c. Any witnesses to the refusal to prosecute will be documented in the offense report.
  - d. The officer shall relate to the victim that a refusal to prosecute at the scene does not prohibit a criminal prosecution at a later date. In such situations, the victim shall be informed on how to file criminal charges with the appropriate prosecutorial authorities.
  - e. A supervisor will be contacted to inform him/her of the victim's refusal to prosecute. The supervisor will discuss with the officer the circumstances and the best course of action to take.
  - f. The offense report shall be titled appropriately for the incident reported, unless the reported offense is determined through investigation to be false or baseless. If the investigation determines the reported incident to be false or baseless the report shall be titled a POLICE INFORMATION regardless of the offense and a copy of the offense report forwarded to C.I.D. A Victim not wishing to prosecute does not automatically make a reported offense false or baseless.
2. This procedure will NOT be applicable:
- a. In situations of domestic violence where, by statute, a refusal to prosecute is not to be considered for arrest purposes.
  - b. If a victim, other than that of domestic violence, is undecided on whether or not to prosecute, or is physically or mentally incapacitated to the point of not being able to make a rational decision on whether or not to prosecute; the officer is to use his/her best judgement in these types of situations.
  - c. Officers shall clearly document in the offense report the specific reasons an arrest was made in situations where the victim was undecided, or physically or mentally incapacitated.
3. In cases where an arrest has been made and the officer learns that the victim does not wish to prosecute, the officer should consider if Probable Cause for arrest exists without the victim's cooperation. If Probable Cause for arrest does exist, then an arrest should be made when appropriate.

If probable cause no longer exists without the victim's cooperation or desire to prosecute, except in the case of domestic violence, then the arrestee shall be released and a release order completed and signed by a Lieutenant or above (Form

Z-552). Once the decision has been made to release such an arrestee, he/she will be released from custody as soon as possible.

## **E. HOBBLE RESTRAINT DEVICE**

1. The Hobble Restraint Device is a one-inch wide polypropylene webbed strap with a bronze snap-hook at one end and a steel friction-locking clip at the other. The hobble is designed to secure the ankles, knees or elbows of an aggressive/combatative or potentially aggressive/combatative individual. The device can also be used to secure a person's feet during transportation in a police vehicle in an effort to prevent further resistance, injury to subject or officer, or damage to the vehicle. An individual shall be continuously monitored whenever a Hobble Restraint Device is utilized. The Hobble Restraint Device shall never be applied to the head or neck of an arrestee.
2. Once the handcuffs are secure and the Hobble Restraint Device has been applied to a suspect, he/she should be properly searched and then immediately rolled into an upright, seated position. Secured arrestees shall not be placed lying down on their stomach or side. This procedure allows suspects some limited movement and they must be continuously monitored to reduce the potential for Positional Asphyxia.
3. Reporting  
Mere application of the Hobble Restraint Device to a compliant arrestee does not constitute a reportable response to resistance. However, any response to resistance used to overcome a suspect's active resistance is, as always, a reportable response to resistance. If the actions that precipitated the use of the Hobble Restraint Device constitute a criminal act, the appropriate charge shall be applied. Details surrounding the use of the Hobble Restraint Device shall be documented in the offense report. This report will be routed to the Training Unit by the reviewing supervisor.
4. Training
  - a. Only the Hobble Restraint Devices specifically described in this policy and issued by the Department may be carried or utilized by any member of this Department. All personnel authorized to utilize the Hobble Restraint Device must be trained and demonstrate proficiency in the use of the restraint prior to carrying and employing such device in the performance of their duties.
  - b. Each officer who desires to use the Hobble Restraint Device must complete a Department approved training class designed to familiarize them with the product's capabilities, limitations and Department policy regarding its use and reporting. Lesson outlines are available from the Training Unit.
  - c. The Training Unit shall be responsible for providing the training of each officer carrying the Hobble Restraint Device.
  - d. Only officers successfully completing the training course will be authorized to carry and use the Hobble Restraint Device.