

WEST PALM BEACH POLICE DEPARTMENT

III-1 ARREST PROCEDURES

EFFECTIVE: 01/01/2005

CALEA Standards: 1.1.3, 1.2.1, thru 1.2.8

CFA Standards: 2.03, 2.04, 2.07, 18.07G

I. POLICY: The West Palm Beach Police Department has the responsibility and duty to make arrests based upon probable cause within the City limits. In instances when a crime occurs and the Department does not make a physical arrest, a report will be written and further investigation may be initiated. The decision to make a warrantless arrest will be guided by the factual situation involved, the officer's probable cause, and the exigencies that may exist to which warrant procedures are not appropriate. Arrests will be affected by sworn members only.

II. DEFINITIONS:

A. Discretion - Is the power or right conferred upon officers by law of acting officially in certain circumstances according to the dictates of one's own judgment and conscience.

B. Probable Cause (Reasonable Belief) - The facts and circumstances that an officer knows or should know, based on reasonably trustworthy information to warrant a prudent person to act or think in a similar way.

III. ARREST JURISDICTION:

A. West Palm Beach Police Officers have law enforcement jurisdiction and authority to arrest at any time within the City limits of West Palm Beach pursuant to City Code and Florida State Statutes.

B. West Palm Beach Police Officers have the authority to arrest upon fresh pursuit outside the City limits of West Palm Beach pursuant to Florida State Statutes.

C. An officer may exercise law enforcement authority when he or she witnesses a violent felony outside of West Palm Beach provided the jurisdiction they are in participates in the Palm Beach County Law Enforcement Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement (SOP # III-28).

1. A violent felony is defined as the commission or attempted commission of murder, armed robbery, strong-arm robbery, sexual battery, arson or the use of explosive devices in a structure presumed to be occupied, kidnapping, armed burglary, or any other felony which involves the use of deadly force against an individual.

2. An officer who exercises his or her law enforcement authority outside of West Palm Beach will do the following:

a. Immediately after the situation is brought under control, notify the agency having normal jurisdiction.

b. Turn the investigation over to the agency having normal jurisdiction.

c. Offer any assistance requested including, but not limited to, a follow-up report documenting the event and actions taken.

d. Notify an on-duty shift commander of the West Palm Beach Police Department of the enforcement action.

D. When an officer is personally involved in an incident outside of West Palm Beach, he or she may not take any law enforcement action which involves family, personal friends or neighbors unless immediate action is necessary to prevent serious bodily harm.

E. Nothing in this section is meant to require or order an officer to act on a crime of violence committed in the presence of the officer outside of his or her jurisdiction, but only to authorize such action if the action would be that of a reasonably prudent person.

IV. CONSTITUTIONAL RIGHTS WARNINGS (COMMONLY KNOWN AS "MIRANDA WARNINGS")

A. An officer is required to advise a person suspected of committing a crime of his or her Constitutional Rights under the "Miranda Decision" before that person is questioned when:

1. The suspect is arrested and in custody.
2. When "custodial interrogation" exists.
 - a. If questioning a person suspected of committing a crime should invoke the right to council, questioning will cease immediately.
 - 1) Questioning may continue should the person being questioned reinitiate contact with law enforcement. The burden of proof is on law enforcement officials to ensure that it is the person being questioned choice to reinitiate questioning.

B. The officer will read the Miranda Rights from a standard rights card that is supplied by the Department (see Appendices E & F) prior to interviewing a person who is under arrest or in a custodial interrogation situation.

1. Miranda Rights cards are issued in English and Spanish. The interviewing officer will ensure that the person being interviewed is read the Miranda Rights and interviewed in the appropriate language by an officer or investigator who is fluent in that language.
2. The interviewing officer will advise and explain, if necessary, each provision of the Miranda Rights to ensure the subject comprehends what was said.

C. The officer will request the subject sign the rights card to acknowledge that he or she understood the Rights.

1. If the subject refuses to sign or is violent and cannot be unhandcuffed, the officer will write "REFUSED" and/or "VIOLENT" on the rights card and explain the situation in the narrative portion of his or her report.

D. The officer will enter the signed or witnessed rights card into evidence.

V. DISCRETION: The spirit of the law may be adhered to where an arrest or charge of a violation is not in the best interest of the public or the Police Department. The letter of the law may be utilized where limits of authority are clearly defined.

A. The West Palm Beach Police Department has a zero tolerance for prostitution crimes, narcotic crimes, violations of the open container statute and ordinance, and violations of the aggressive panhandling ordinance. It is the policy of the West Palm Beach Police Department that its officers make every effort to make an arrest when they investigate or encounter such crimes/violations. Strict enforcement of these laws is the Department's commitment to make our neighborhoods safer places to live.

B. In all other crimes discretion will be used when an arrest would not be in the best interest of justice, fairness or the welfare of the public.

C. Should any questions arise concerning a particular situation, the officer involved shall confer with a supervisor.

D. Sworn members will be issued a handbook containing Florida State Statutes annually.

E. Sworn members will be issued training bulletins at regular intervals.

1. Members will have access to legal bulletins in the Police Department library.

VI. SEARCH AND SEIZURE:

- A. An officer may search a person incident to arrest.
- B. The arresting officer may search the area where the person was when arrested (wingspan) for evidence, contraband, and/or tools or weapons used in the commission of a crime or which may be used to escape.
- C. A strip search will be performed by an officer of the same gender as the arrested person pursuant to F.S.S.
1. A strip search will not be ordered by a West Palm Beach Police Officer without first obtaining written authorization from a Sergeant or officer of higher rank. The authorization will be documented on a Narrative Continuation and serve as a Supplemental Report, which will be filed with the original report.
- D. Normally an officer needs a warrant to conduct a search. Exceptions include, but are not limited to:
1. An officer may search a person, vehicle, or home without a warrant if given voluntary written consent to search by the proper party.
 2. A vehicle may be searched without a warrant when the officer has probable cause to believe the vehicle contains evidence or contraband and it may be impossible to get a warrant before the vehicle is moved.
 3. An officer will conduct a vehicle inventory search when the owner and/or driver is placed under arrest, if the vehicle is towed or seized.
 - a. When probable cause is established for any type of contraband in a vehicle, an officer may inspect a passenger's belongings found in the vehicle that are capable of concealing the object of the search.
 4. Officers who wish to stop and frisk must abide by F.S.S. An officer may only stop and frisk a person when the officer has reasonable suspicion that the person has committed or is about to commit a crime and there is reasonable suspicion that the person is armed and the officer has a reasonable concern for officer safety.
 5. An officer may make a warrantless search when exigent circumstances justify it. These circumstances can include public safety or that danger or harm will occur to the police or others if the officer had to wait while the warrant was being obtained.
 6. An officer may also conduct a warrantless search in any other situation authorized by state or federal legal decisions.
- E. At the scene of a crime, the officer should obtain a search warrant, whenever practical; if there is a belief, the offender might have standing or a reasonable expectation of privacy within the scene. When exigent circumstances exist, or if given valid written consent by the proper party, the officer need not seek a search warrant.
1. When the officer is unsure whether a search warrant or written consent is necessary, the officer will consult with a supervisor prior to entering the scene.
- F. When an officer returns to a crime scene where it is believed that the offender might have standing, the officer will obtain either Consent to Search from a proper party or a Search Warrant whenever practical.
1. If written consent or a search warrant was needed at the original scene, the officer will obtain written consent or another search warrant each time he or she must revisit the scene.

VII. DETENTION FOR THE PURPOSE OF INVESTIGATION:

A. Whenever an officer encounters any person under circumstances which reasonably indicate such person has committed, is committing, or was about to commit a violation of the criminal laws of this state or the criminal ordinances of any municipality or county, he or she may temporarily detain such person for the purpose of ascertaining the person's identity and the circumstances surrounding his or her presence which lead the officer to believe that he or she had committed, was committing, or was about to commit a criminal offense.

1. No person will be detained for a time longer than reasonably necessary to effect the purpose of the statute.
2. The detention will not extend beyond the place it was first made or the immediate vicinity.
3. If during the detention probable cause for the person develops, the person will be arrested.
4. If, after inquiry into the circumstances which prompted the temporary detention, no probable cause develops, the person will be released.

B. If during the temporary detention, an officer has probable cause to believe the person detained is armed with a weapon and therefore offers a threat to the safety of the officer or another person, the officer may search the person detained only to the extent necessary to disclose, and for the purpose of disclosing, the presence of such weapon. If the search discloses a weapon or any evidence of a criminal offense, it may be seized.

C. If during the investigation of a crime, newly acquired evidence shows probable cause no longer exists for the arrest of a person who has been arrested, such person will be released.

1. A supervisor will be notified prior to releasing the arrested person.
2. The person will be freed immediately.
3. The situation will be explained to the person.
4. The person will be transported to the original point of detention or other location reasonably indicated by the arrested person.
5. The person will be assisted in anyway necessary to "make them whole", i.e., retrieving an automobile that had been towed, returning property that had been taken from them, etc.
6. If an officer fails to comply with the above, he or she may become liable for false arrest.
7. A report will be written documenting the incident.

VIII. WARRANTLESS ARRESTS:

A. A person may be arrested without a warrant when:

1. That person has committed a felony, misdemeanor or violation of a municipal or county ordinance in the presence of an officer.
2. A felony has been or is being committed, or the officer has probable cause to believe that a felony has been or is being committed and the officer has probable cause to believe that the person to be arrested is committing, or has committed, it.
3. The officer has knowledge that an arrest warrant has been issued, but another officer is holding the warrant for execution.

4. There are statutory exceptions when an officer can make a warrantless arrest for a misdemeanor that did not occur in his or her presence and is based on probable cause. See references.

5. Sworn members who have affected the arrest of a suspect or have established probable cause to arrest a suspect who is at large must present a filing packet to the Office of the State Attorney within ten (10) working days of the incident or the development of probable cause.

6. Extenuating circumstances may exist which prevent filing the case within ten (10) days. Such circumstances must be brought to the attention of the officer's immediate supervisor as soon as they become known. The supervisor will review the circumstances and approve or disapprove the delay. If approved, the officer will work in conjunction with the Court Liaison Officer to make arrangements with the Office of the State Attorney to file the case as soon as possible within statutory limits.

7. A West Palm Beach Police Officer may make a probable cause arrest based on a Probable Cause Affidavit, which is completed by another West Palm Beach Police Officer, and on file at the police station pending filing for a warrant.

a. When such an arrest is made, it is the responsibility of the arresting officer to notify the officer who completed the Probable Cause Affidavit that the arrest was made so the case can be filed in a timely manner. The notification will be completed within four (4) days of the arrest.

b. An officer who completes a Probable Cause Affidavit without an arrest and places the affidavit with a Hot Sheet, (Appendix A) in the "Wanted Folder" will, if the subject is not arrested within 10 working days after placing the affidavit in the folder, present the Probable Cause Affidavit along with all other required documents and reports to the State Attorney's Office to file for a warrant.

B. A West Palm Beach Police Officer may detain a person on a request from another law enforcement agency only if sufficient probable cause exists or the information is confirmed by teletype or officers from the jurisdiction making the request are on-scene to make a positive identification.

1. If sufficient probable cause does not exist, it will be treated as an attempt to locate.

2. The originating agency will be notified of the location where the person is being detained or has been located and a request will be made for that agency to respond to that location. If it is not possible for that agency to respond, the officer will gather as much information as possible and forward such information to the originating agency.

IX. DETENTION OR ARREST OF FOREIGN NATIONALS:

A. Requirements pertaining to foreign nationals:

1. Any foreign nationals arrested or detained must be advised of their right to have consular officials notified.

2. In some cases; the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national's wishes.

3. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance.

4. When a government official becomes aware of the death of a foreign national; consular officials must be notified.

5. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.

6. When a foreign ship or aircraft wrecks or crashes, consular officials must be notified.

B. When a foreign national is arrested or detained the following steps should be followed:

1. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign travels.

C. Identification cards:

1. The United States Department of State, Office of Protocol, issues identification documents to foreign government personnel who are entitled to immunity. Because there are different degrees of immunity, law enforcement officers should read carefully identification cards presented to them. Questions regarding an individual's status of immunity should be referred during working hours to the Office of Protocol, (Appendix G).

X. ARREST WITH A WARRANT:

A. An officer making an arrest by warrant will inform the person to be arrested of the cause of arrest and that a warrant has been issued, except when the person flees or forcibly resists before the officer has an opportunity to inform him/her or when giving the information would imperil the arrest.

B. The officer need not have the warrant in his possession at the time of the arrest, but, on request of the arrested person(s), will make arrangements to have it shown to him/her as soon as practical.

C. Officers will check PALMS, NCIC, and FCIC for warrants on all arrested persons.

D. If a warrant check by computer shows a "hit," the officer should make every effort to verify the warrant and confirm that the person in custody is the person on the warrant.

E. Warrant information from the PBSO may be verified by telephone.

F. Warrant information from agencies outside Palm Beach County will be verified by teletype.

G. After verifying the warrant and the person's identity, the officer will transport the arrested person to the County Jail, where the arrested person will be booked.

H. Whenever a person is arrested on a warrant, an officer will complete the following:

1. Check the computer print out to identify which department originated the warrant.

2. If the warrant was originated by this Department, the original case number will be used and the officer will complete a Supplement Report. Warrants for FTA, Contempt of Court, and VOP are not West Palm Beach Police Department originated warrants, even though the Department is listed as the originating agency on the PALMS printout.

3. If the warrant was originated by another Department, a new case number will be obtained for the PUFOD (Pick Up For Other Department). One case number will be used per arrested person, even if arrested for multiple warrants.

I. When a person arrested by an officer on probable cause is found to have an active warrant, the officer will include the warrant arrest information in the report for the current arrest.

1. The officer will use the case number of the current arrest for the warrant arrest.

2. When the case was originated by the West Palm Beach Police Department and the warrant is for a felony, a supplement report to the original case number will be written.

3. The arrested person will be transported to the Palm Beach County Jail.

J. Pursuant to F.S.S., all warrants are directed to and executed by County Sheriffs.

K. If the warrant is from another county within the state or from another state, the officer must verify extradition.

1. If the other county or state will extradite, the arrested person will be transported to the Palm Beach County Jail to await transport to the other county or state.
2. If the other county or state will not extradite, the person will be released unless there are local charges.

XI. NON-TRAFFIC MISDEMEANOR AND VIOLATION OF COUNTY AND MUNICIPAL CRIMINAL ORDINANCE ARRESTS:

A. An effort will be made by officers to issue a Notice to appear to persons who are permanent residents of Palm Beach, Broward, Hendry, or Martin Counties and release them on their own recognizance, without making a physical arrest, for a misdemeanor law violation or violation of a county or municipal ordinance.

1. The person arrested must provide proof of a current permanent address in one of these counties. A post office box alone will not suffice.
2. The person issued the Notice to Appear will be released at the scene of arrest or;
3. The person can be transported to the prisoner processing/temporary holding facility to complete the arrest prior to the person's release.
4. During special events or special operations (stings, reverses) or multi-agency operations, a temporary processing location may be determined by the officer in charge based on the needs of the operation.
5. Officers will not transport persons to be issued a Notice to Appear to any other secondary location prior to release.

B. If one or more of the following circumstances exist, the person arrested will be transported to the County Jail:

1. The accused fails or refuses to sufficiently identify him or herself or supply the required information to complete the NTA.
2. The accused refuses to sign the NTA.
3. The officer has reason to believe that the continued liberty of the accused constitutes an unreasonable risk of bodily injury to the accused or others.
4. The officer has any suspicion that the accused may be wanted in any jurisdiction.
5. 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.
6. The accused is arrested for prostitution, loitering in relation to prostitution, attempting to hire or hiring a prostitute, or any other violation of section 796.07.
7. The accused is arrested for domestic assault, battery or stalking.

XII. ENTRY OF A BUILDING TO EFFECT AN ARREST:

A. Pursuant to F.S.S., when an officer fails to gain entry after he or she has announced his or her purpose and authority to make an arrest either by warrant or when authorized to make an arrest for a felony without a warrant, he or she may use all reasonable force to enter any building or property where the person to be arrested is or is reasonably believed to be.

For the purpose of this directive, "when authorized" is defined as to prevent the imminent use of a weapon, to prevent the destruction of evidence, to protect individuals in distress, to assist victims of crimes, to investigate a felony in progress, or to investigate suspicious signs of impending danger.

B. The announcement of authority and purpose is not necessary if the officer reasonably believes such announcement may cause danger to life or limb or the person to be arrested is attempting to destroy evidence or flee.

C. An officer may enter a suspect's residence for the purpose of effecting a lawful arrest when he or she reasonably believes the person to be arrested is within the residence under the following circumstances:

1. The arrest is based on probable cause developed or obtained as the result of a recent felony and the circumstances of the crime or the character of the suspect make it impractical to obtain an arrest warrant.
2. The arrest is based on an arrest warrant, not a *capias*.
3. The officer is in fresh pursuit of a person suspected of committing a felony offense.
4. Entry is necessary to prevent or terminate the commission of a serious crime.
5. A search warrant is required to enter a residence of someone other than the person to be arrested, for the purpose of arresting such person, unless emergency or exigent circumstances exist.

XIII. MILITARY DESERTERS AND AWOL ARREST:

A. Whenever a computer check is made on a person and a hit comes back for a military deserter or AWOL, the person will be arrested. The arrest will be handled in the same manner as a warrant hit.

B. The hit will be verified by contacting the appropriate branch of the U.S. Military Service by phone (Appendix B).

C. An officer will request teletype verification of an AWOL by contacting the appropriate number. A copy of the teletype information will be attached to the report.

D. The person will be transported to the County Jail.

E. When military personnel are arrested and it is necessary for them to contact their base, the arresting officer will assist the person in establishing the contact.

XIV. IMMUNITY FROM ARREST:

A. Diplomats:

1. These officials are immune from arrests.
2. They may be detained only for the time necessary to confirm their diplomatic status (Appendix B).
3. An officer may apply reasonable constraints in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.
4. A traffic citation for non-criminal law violations may be issued to any diplomatic agent because it is not an arrest.
5. Immunity extends to the administrative and technical staff of diplomatic agents.
6. Immunity extends to the family members of diplomatic agents and to the family members of the administrative and technical staff of diplomatic agents.
7. Service staff employees of diplomatic personnel and the family members of the service staff generally do not have immunity.

B. Consular Personnel

1. A career consular official does not have diplomatic immunity from arrests if the arrest is for a felony and pursuant to a warrant.
2. Honorary consular officers, consular employees and all family members of consular personnel do not have diplomatic immunity.
3. All consular personnel may be issued non-criminal traffic citations.

C. Personnel of International Organizations:

1. Diplomatic level staff serving in Missions to International Organizations have diplomatic immunity.
2. The Staff of International Organizations or the Support Staff of the Missions to the International Organizations generally are not immune to arrests.
3. All personnel of international organizations may be issued non-criminal traffic citations.
4. Diplomatic immunity extends to the family members of diplomatic level staff of Missions to International Organizations but not to family members of International Organization staff, nor family members of support staff of Missions to International Organizations.

D. Diplomatic immunity does not provide a blanket shield against effective law enforcement efforts.

1. When a clear law violation by a diplomat occurs, police are not entirely powerless, although immunity may insulate the offender.
2. Where public safety is at issue, or a serious crime is imminent, police may intervene to halt a crime and may defend themselves and others.
3. Proper investigation and documentation of incidents is required even when arrest and prosecution is not possible due to immunity.
4. Immunity is sometimes waived.
5. The status of the diplomat may change.
6. The information may be useful to the U.S. Department of State.
7. Potential non-judicial diplomatic channel remedies may be available with a properly investigated and documented incident.

E. The above are guidelines and reflect the general rule and employees of certain foreign countries may have higher levels of privileges and immunity because of a special bilateral agreement between their country and the U.S. When in doubt, the officer will notify his or her supervisor, who will contact the United States Department of State (Appendix B) and determine the person's status prior to effecting the arrest.

F. Privilege from Arrests

1. Privilege from arrests extends to U. S. Senators and U. S. Representatives through the U. S. Constitution.
2. The privilege is applicable only while the official is traveling to or from a legislative session or during attendance at a session.
3. This privilege does not prevent an officer from making an arrest, but simply means the person can have the arrest set aside. The arrest remains valid until disposed of lawfully.
4. The privilege does not apply when the offense is treason, a felony, or breach of the peace.

XV. FLORIDA MENTAL HEALTH ACT:

A. Pursuant to F.S.S., a law enforcement officer will take a person who appears to meet the criteria for involuntary examination into custody and deliver the person to the nearest Comprehensive Intervention Center (CIC) or have the person delivered to the nearest CIC (Appendix C) for an involuntary examination.

1. Upon transporting and delivering the person to the receiving facility, the officer, while still at the facility, will complete the Report of Law Enforcement Officer Form.
2. The officer will write the case number on this form.
3. The officer will make a copy of the form and attach it to the Administrative copy of the Offense/Incident Report completed by the officer.

B. When there is an obvious medical or physical emergency, a judgment will be made by the officer before the person is taken to the CIC and the person will be transported to a medical facility for clearance.

1. After the patient has been medically screened and stabilized by the emergency department of the medical facility, the COBRA law takes precedence and it becomes the responsibility of the medical facility emergency department to arrange transportation back to the CIC.
2. All subsequent transfers between facilities are not the responsibility of law enforcement.

C. If a space is not available for the person at the designated receiving facility, the facility staff will assist the officer in locating available space at another facility.

D. Any person taken into custody by a West Palm Beach Police Officer will, pursuant to F.S.S., be treated with dignity at all times.

E. Procedures, facilities, vehicles, and restraining devices utilized for criminals or those accused of crimes will not be used in connection with the non-criminal mentally ill except for the protection of the patient or others.

F. Clinical records are confidential and are to be maintained as non-public records.

1. The copies of the AEX Parte Orders, the A Report of Law Enforcement Officers, and the A Certificate of Professional Initiating Involuntary Examinations are all part of the clinical record and therefore are confidential and non-public records and will be maintained as such.
2. Copies given to officers by personnel at the receiving facility should be stamped "CONFIDENTIAL".
3. The Offense/Incident Report or any other report the officer completes for the Department pertaining to the actions, detention, transportation and involuntary examination of the person is not considered confidential. Any part of the clinical report attached to the report completed by the officer is confidential and will not be released except under the provisions of F.S.S.

G. Whenever a person commits a crime and the crime is a result of conduct that meets the criteria for involuntary examination, the officer as an alternative to arrest may transport the person to a receiving facility for an involuntary examination.

1. If the crime is a felony and involves violence against another person, the person will not be transported to a receiving facility, but will be processed as any other arrest.
 - a. The officer will immediately notify the designated receiving facility, if the person meets the statutory criteria for involuntary examination.
 - b. The receiving facility is responsible for arranging the evaluation.

c. The officer will complete a Report of Law Enforcement Officer Form, which will be sent to the County Jail along with the other required documents and the arrested person.

2. If the crime is a misdemeanor and not a result of conduct that meets the criteria for involuntary examination, but that type of behavior is apparent, an NTA may be issued and the person transported to the receiving facility.

3. If the crime is one which requires a physical arrest and not a result of conduct that meets the criteria for involuntary examination, but such conduct is apparent, the officer will follow the same procedure as in a felony arrest involving violence against another person.

XVI. SUBSTANCE ABUSE SERVICES:

A. A police officer may assist any person who is intoxicated in a public place and appears to be in need of assistance to his or her home or to a treatment resource (Appendix D), if that person consents.

B. As an alternative to arrest, an officer may take into protective custody and transport to a hospital or appropriate treatment resource any person who is intoxicated in a public place and appears to be incapacitated and meets the criteria set forth in F.S.S.

C. If a person is intoxicated and endangering the safety of another person or property, or intoxicated in a public place or upon a public conveyance and causes a public disturbance, he or she has committed a misdemeanor crime.

1. The person may be physically arrested.

2. In lieu of the physical arrest, the officer may take or send the person to his or her home or a health facility or treatment resource. An officer who exercises this option will have fulfilled his or her official duty.

D. If a person is operating a motor vehicle and is determined to be under the influence of alcoholic beverages, he or she is committing a misdemeanor violation and will be arrested.

E. Whenever an intoxicated person is taken into custody by an officer for the purpose of transporting him or her to an appropriate treatment resource, the officer will complete a Report of Law Enforcement Officer Form.

1. A copy of the form will be left with the treatment center.

2. A copy of the form will be retained by the officer to be turned in or submitted with the required Offense/Incident Report.

3. The form is considered confidential and not public information.

F. When an officer detains or takes an intoxicated person to a treatment resource, the officer will be deemed as taking the person into protective custody and it is not considered an arrest for any purpose. No record will be made to indicate the person has been arrested or charged with a crime.

G. Any officer acting in good faith who detains or takes to a treatment resource an intoxicated pursuant to F.S.S. may not be held criminally or civilly liable for false imprisonment.

XVII. REFERENCES:

- City Code 24-18, Functions and Powers.
- F.S.S. Ch. 394 Mental Health.
- F.S.S. 397 Substance Abuse Services.
- F.S.S. Ch. 901 Arrests.
- SOP # II-9 Mutual Aid-Operational Assistance and Voluntary Cooperation.
- SOP # III-2 Arrestee Transportation.

- SOP # III-3 Prisoner Processing/Temporary Holding Facility.
- SOP # III-13 Use of Force.
- SOP # III-28 Impoundment of Vehicles.
- SOP # III-29 Traffic Warnings, Citations, and Arrests.
- SOP # IV-2 Criminal Investigations.
- Florida v. Wells.
- Rules of Court; Rule 3.125. a, b.

Delsa R. Bush, Chief of Police

Original issue: 02/24/89
Revised: 01/01/2005
I.D. # 1491

History: SOP # changed to III-1 on 01/01/2005
Old SOP # 2.03, 6.050.003 Arrest Procedures, 4.050.001 Use of Discretion by Sworn Officers 08/19/88
Revision Dates: 06/01/1999, 08/01/1999, 12/15/1999, 03/20/2001, 12/12/2001 by 557, 01/01/2005

Job Title Task Files: Supervisor, Shift Commander

Appendix A

Stolen & Wanted Report

HOT SHEET

Police Department

West Palm Beach, Florida

Nature of Complaint: _____ Case No: _____

Reported By: _____ Date: _____

Address: _____ Time: _____ A.M. _____ P.M. _____

T.W.X. Msg. # _____ Date Sent: _____ Time: _____ By: _____

Cancelled By: _____ Date: _____ Time: _____

VEHICLES MISSING PERSONS

(Subj. #1)

(Subj. #2)

Compl. _____ Name _____ Name _____

Place _____ Alias _____ Alias _____

Time _____ Sex _____ Race _____ Sex _____ Race _____

Color _____ Soc. Sec. # _____ Soc. Sec. # _____

Year _____ DOB _____ DOB _____

Make _____ Hgt. _____ Hgt. _____

Body Style _____ Wgt. _____ Wgt. _____

License _____ Hair _____ Hair _____

VIN _____ Eyes _____ Eyes _____

Other Info. _____ Complexion _____ Complexion _____

Physical (scars, etc.) _____

Hat _____ Hat _____

Shirt, tie _____ Shirt, tie _____

Coat _____ Coat _____

Trousers _____ Trousers _____

Shoes _____ Shoes _____

Remarks: _____

Prepared By: _____ Supv. Approval: _____

APPENDIX B

A. Phone numbers to check AWOL status and/or to report arrests to military authorities:

1. U. S. Army - (317)-510-3711.
2. U. S. Navy - 1-800-336-4974.
3. U. S. Marines - Business hours: (910)-450-0116 or 0415;
After hours : (910)-450-0633 or 0179.
4. U. S. Air Force - (407) 494-2000 or 2008 or 2009.

B. To confirm diplomatic or related status:

- 1) For information concerning diplomatic agents and their families, (202) 647-1985.
- 2) Administrative and technical service staff and families, (202) 647-1405.
- 3) Consular personnel and families, (202) 647-1664.
- 4) International Organization Personnel and their families (202) 647-1406.
- 5) For information on any of the above, after normal business hours, (202) 647-2412.
- 6) United Nations Personnel - (Information available from the host country section of the U. S. Mission to the United Nations, (212) 415-4156 or 4131. After normal business hours, (212) 415-4444.

APPENDIX C

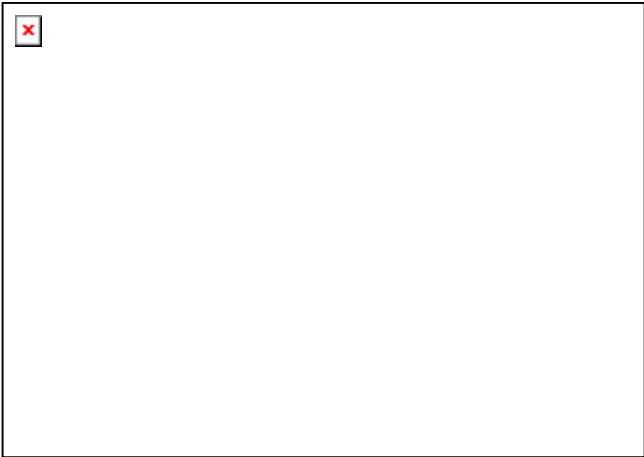
The receiving facility for persons fitting Baker Act criteria in West Palm Beach is the 45th Street Community Mental Health Center, 1041 45th St., W.P.B. Phone (561) 844-9741.

APPENDIX D

When officers are transporting an intoxicated person to a alcohol treatment resource, they will transport the person to the Comprehensive Alcoholic Rehabilitation Program Center (CARP), 5400 East Ave. Phone (561) 844-6400.

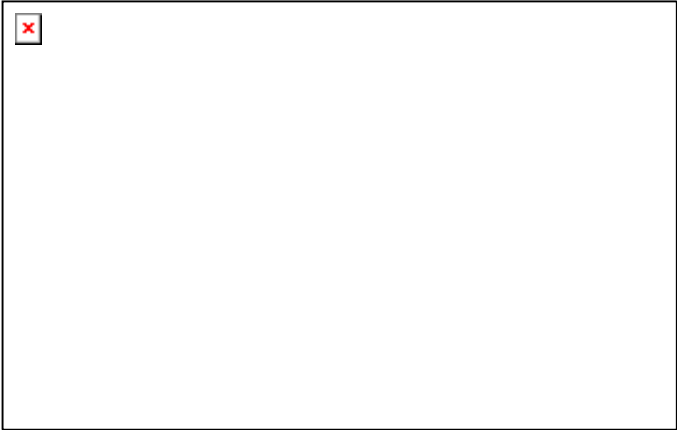
Other treatment centers include local hospitals.

APPENDIX E



RIGHTS CARD (ENGLISH)

APPENDIX F



RIGHTS CARD (SPANISH)

APPENDIX G

Office of Protocol, 202-647-1985, after hours to the Bureau of Diplomatic Security, 202-647-7277.