



## **NORTH MIAMI POLICE DEPARTMENT**

### *STANDARD OPERATING PROCEDURES*



#### **AUTHORITY AND RESPONSIBILITY 100.01**

EFFECTIVE DATE: 08-06-21

APPROVED:   
Chief of Police

SUPERSEDES: 10-01-20

CFA: 2.02, 7.01

#### **I. PURPOSE**

To define the scope and limits of the North Miami Police Department's law enforcement authority and to provide guidelines for the use of that authority.

#### **II. POLICY**

To establish the Department's legal authority and lines of authority for all members.

#### **III. SCOPE**

This policy applies to all members of the Department.

#### **IV. PROCEDURE**

Personnel will adhere to Departmental written directives, to include Standard Operating Procedures, General Rules and Regulations, Civil Service Rules, City Administrative Regulations, and the current collective bargaining agreements. Personnel will also adhere to verbal direction provided by supervisory personnel.

#### **V. CODE OF ETHICS/LOYALTY OATH**

- A. All sworn members are required to abide by the written Law Enforcement Code of Ethics, which is found in PowerDMS. **CFA 7.01**

- Ethics training for all sworn personnel will be conducted biennially.

B. Sworn members will sign an Oath of Office, which is their pledge to uphold and defend the Constitution and Government of the United States and the State of Florida, and faithfully perform all the duties of the office of their assigned rank for the City of North Miami Police Department. The Oath will be signed at the swearing in ceremony attended by the Chief of Police, or his/her designee.

## **VI. AUTHORITY**

A. F.S. 943.10: Law enforcement officer means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime and/or the enforcement of the penal, criminal, traffic, or highway laws of the State. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or Reserve law enforcement officers, but does not include support personnel employed by the employing agency.

B. The Chief of Police shall be responsible for the performance of the North Miami Police Department. Employees are vested with the authority necessary to perform the duties of their assignment in an effort to assist the Chief of Police, or his/her designee, in accomplishing the mission, goals and objectives of the Department. Authority to execute the required activities of a particular task in the Department is delegated by the Chief of Police, or his/her designee, through the command structure to individual employees. Such authority may be found in state law, city ordinance, policy and procedures, rules and regulations, orders, and memorandums.

C. The success of the Department requires that responsibility be accompanied by necessary authority. At every level of the organization, employees shall be given the authority to make decisions necessary for the effective execution of their responsibilities. Employees shall not be given responsibility for a function without the commensurate decision-making authority to carry it out.

D. Accountability for the use or failure to use delegated authority attaches

to each employee. Each employee shall be held accountable for their overall performance and the use of, or failure to use, this delegated authority in accomplishing the responsibilities of their position.

- E. Supervisors shall be held accountable for the activities and performance of employees under their control. A supervisor may delegate authority to a subordinate to perform specific tasks or duties; however, ultimate responsibility and accountability for the accomplishment of a required task or objective may not be delegated.
- F. Supervisors shall provide adequate guidance and supervision to subordinates for the mission, goals and objectives of the Department to be achieved.
- G. Nothing in this procedure shall make a supervisor liable or responsible for acts of their subordinates, when such acts are outside the course and scope of the subordinate's employment, unless the supervisor ordered, approved or ratified such acts.

## **VII. DISCRETION**

Florida State Statute 901.15 provides authority for law enforcement officers to make arrests. Officers are advised to use discretion in the performance of their assigned duties, taking into consideration the conditions present at the time, the constraints of existing policy, statutes, laws, and ordinances pertaining to the situation, the available alternatives and direction from supervisors.

## **VIII. BOOKING/RELEASE**

Persons arrested for specified misdemeanors, county ordinance violations, or criminal traffic offenses, may be released upon signing the Notice to Appear portion of the Arrest Affidavit, rather than be booked in the county jail.

- A. An accused person who has been properly identified and refuses to sign the Notice to Appear portion of the Arrest Affidavit, or provide sufficient information so as to meet the criteria for allowing the Arrest Affidavit to be completed, shall be transported, and booked in the county jail.
- B. The decision regarding an arrest should be made after careful consideration of the following:
  1. Whether the arrest would cause a greater risk of harm to the public than not arresting the offender

2. Whether the offense can best be dealt with through Civil Citations or informal channels, such as warnings or talking with the parents of a juvenile offender.
3. The seriousness of the crime committed.

C. Release on signature: If the officer is planning to release the defendant after securing a signature on the Arrest Affidavit, the officer shall obtain positive government identification from the accused person as well as their date of birth, employer and employer's address, the correct statute or ordinance, and all other required information.

D. Juveniles: All juvenile arrestees will be transported to the J.A.C. Instructions for the processing of juveniles is contained in the Juvenile Procedures policy, 300.08.

## **IX. ALTERNATIVES TO ARREST**

Not all offenses require the incarceration of the offender. Alternatives to arrest may include, but are not limited to, the following: **CFA 2.02**

- A. The issuance of a Civil Citation for violations of ordinances, or specific misdemeanors, in accordance with the guidelines of this policy and procedure.
- B. Informal resolution of the problem; resulting from minor, non-violent misdemeanor violations where the offender and victim agree to settle among themselves.
- C. A verbal warning prohibiting the conduct.
- D. Baker Act procedures, which are outlined in the Uniform Patrol policy, 300.09.
- E. Marchman Act procedures, which are outlined in the Uniform Patrol policy.

## **X. CRITICAL INCIDENT WITH LIABILITY**

- A. Any time any of the following incidents occur, or any other incident

where there may be a question as to the Department's liability, or which may result in heightened community interest, immediate notification will be made to the concerned Section Major, via the Chain of Command, for immediate notification to the Chief of Police, or his/her designee.

1. A member is involved in any incident that results in the death or incapacitating injury of another.
2. Serious injury to a police officer or other person(s).
3. Accident involving a police vehicle, where an officer or citizen is injured or major property damage is involved.
4. Major crimes to include murder, bank/store robbery, prisoner escape, or any heinous crime.
5. Barricaded/hostage situations.
6. Disasters and catastrophes.
7. Serious complaints or incident involving an officer.
8. Fatality accidents.
9. Missing/endangered persons where foul play is suspected.
10. Any incident wherein an employee has allegedly performed in a manner that created an increased likeliness of death or serious injury to persons or significant loss of property.

B. Aside from the immediate notification above, where applicable, further information will be provided to the concerned chain of command through various means, to include:

1. Supervisor Control of Persons Inventory
2. Incident Log e-mails
3. Supervisor Reports
4. Exposure Incident Investigation Form
5. Vehicle Loss Forms

C. The appropriate forms will be used to document injuries to North Miami Police Department members or citizens, as well as damages incurred, during any law enforcement efforts, to Government property, as well as private property.

D. All supervisory forms, with the exception of After Action Reports where specific timeframes are listed in the respective policies, shall be completed on the date of the incident (injury, exposure, damage, etc.) by the end of the supervisor's tour of duty.

1. If extenuating circumstances exist where a supervisor is unable to

complete any supervisory report within the timeframe listed in this policy, or any other policy, said supervisor shall make notification to their Commander explaining the circumstances.

2. If, after notification, the Commander does not ensure the report(s) is completed in a timely fashion, the Commander will take responsibility for the delay and will notify the concerned Section Major as soon as possible of the circumstances.