



# SOUTH MIAMI POLICE DEPARTMENT



<b>GENERAL ORDER NUMBER:</b> 18.2	<b>DATE OF ISSUE:</b> August 31, 2012	<b>EFFECTIVE DATE:</b> October 25, 2017	<b>NUMBER OF PAGES:</b> 47
<b>CFA STANDARD:</b> 14, 15 <b>SUBJECT:</b> Patrol – OPERATIONS	<b>NEW ( ) RESCINDS ( )</b> <b>AMENDS (X ) OTHER ( )</b>	<b>By Order Of:</b>  <b>Rene Landa,</b> <b>CHIEF OF POLICE</b>	

**CFA STANDARDS:** 15.07, 14.03, 14.05, 14.06M, 14.07M, 14.09M, 15.09M, 15.12M

**SECTIONS:**

- 18.2            **Supervisory Response**
- 18.2.1        **Vehicle Response Procedures**
- 18.2.2        **Pursuit of Motor Vehicles**
- 18.2.3        **Field Interviews**
- 18.2.4        **Preliminary Investigations of Crimes**
- 18.2.5        **Death Notification Procedures**
- 18.2.6        **Death Investigations**
- 18.2.7        **Alarm Response**
- 18.2.8        **Ride Along Program**
- 18.2.9        **Domestic Disturbance/Domestic Violence**
- 18.2.10      **Elder Abuse, Neglect, or Exploitation**
- 18.2.11      **Missing Persons**
- 18.2.12      **Mandatory Report Writing**

**RESCINDS:** All existing orders in conflict.

**PURPOSE:** To establish a uniform procedure for members of the Police Department concerning the operation of departmental vehicles; to maximize safety considerations for police personnel and citizens; to establish departmental policy and provide guidelines concerning motor vehicle pursuits; to provide guidelines for conducting field interviews; to provide notification procedures for department personnel; to provide procedures for handling of missing persons; to provide procedures for handling domestic disturbance and domestic violence calls; to provide procedures for Elder Services calls; to provide procedures for death investigations; to provide procedures for courtesy checks.

**SCOPE:** All departmental personnel.

**POLICY:** Procedures relating to the operations of sworn officers, particularly Uniform Patrol Division personnel, are found in several other General Orders under particular subject headings. This General Order will address specific standards related to the operational use of police resources and vehicles, and the proper response to such

patrol issues as Domestic Violence, Alarm Calls, Missing Persons, Death Investigations, and Courtesy Checks. As used in this General Order, the word “patrol” should be considered in its broadest sense. Patrol is considered a primary law enforcement function and embraces much more than the act of patrolling. It is defined as a generalized function in which officers engage in a wide variety of law enforcement activities.

## **DEFINITIONS:**

**Authorization to Continue Pursuit:** After declaring that a pursuit has started and the relative facts (time, conditions and circumstances) are communicated to dispatch, authorization to continue the pursuing activity will be secured from the pursuing member’s supervisor or supervisor of competent authority.

**Backup Vehicle:** A police vehicle that is not directly involved in the pursuit but parallels the fleeing vehicle in the event they can be of assistance if the subjects abandon the vehicle and a perimeter is needed, or to take over a position in the pursuit. Back-up units may or may not operate emergency lights and sirens.

**Caravanning:** Police vehicles, other than the primary or secondary unit, traveling in procession during a pursuit. Caravanning (vehicles traveling in procession) of police vehicles during a pursuit situation is prohibited.

**Caretaker:** spouses, former spouses, persons related by blood or marriage, who have assumed the role of caretaker, persons who are presently residing together as if a family, or neighbors who have assumed the role of caretaker, or any other person, regardless of whether they have been married or have resided together at any time, who has assumed the role of caretaker, or paid help, or nursing home or Adult Living Facility (ALF) licensed by The Agency for Health Care Administration (AHCA).

**Channeling:** The deliberate direction of a vehicle into a given path or area by placing vehicles or other objects (fixed or movable) in the path of travel.

**Domestic Disturbance:** Any argument or situation between family/household members which results in a police response.

**Domestic Violence:** Assault, battery, sexual assault, sexual battery, stalking, kidnapping, false imprisonment or any criminal offense resulting in physical injury or death of one family or household member by another, who is or was residing in the same single dwelling unit, or who has had a child with the subject.

**Domestic Violence Center:** means a facility which provides services to victims of domestic violence and is certified by the State of Florida. “Women in Distress of Dade County” is the ONLY certified domestic violence center in Miami-Dade County.

**Elderly Person:** a person of 60 years of age or older, who is suffering from the infirmities of aging, as defined by Chapter 825 FSS. In this policy, the law referring to an “older person”, or “elder”, will also refer to a disabled person of 18 years of age or older, as defined by Chapter 825 FSS.

**Elder Abuse:** any physical battery upon an older person (as defined in Chapter 825 FSS) or any physical battery upon a disabled person (as defined in Chapter 825 FSS), force feeding, inappropriate use of medication or drugs, or withholding medication; any emotional or psychological abuse, including humiliation, isolation, inappropriate restraint (without a doctor’s order); domestic violence, or sexual abuse, including sexually explicit photography, or sexual battery.

**Elder Exploitation:** means theft of any amount of money, scams, or fraud, or the illegal conversion of property, money or other goods, or any misrepresentation for gain at the expense of the elder person, or withholding the elder’s money, forcing the elder to sell assets or change title to property, forgery or uttering, making withdrawals of an elder’s money without authorization, misusing power of attorney, or any other act as defined in Chapter 825 FSS.

**Elder Neglect:** includes malnutrition, dehydration, inhumane conditions, bedsores, isolation, illegal restraint, or failure to provide medication.

**Emergency Equipment:** Police officers engaged in motor vehicle pursuit shall continuously utilize all emergency equipment, including: (1) Siren; (2) Emergency blue/red lights; (3) Headlights (day or night - the use of headlights during daylight pursuits is not mandatory, but is strongly suggested).

**Family or Household Member:** Spouse, former spouse, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

**Following:** A passive attempt by an officer to maintain visual contact with fleeing suspects.

**Injunction For Protection Against Domestic Violence Or Repeat Violence:** means either a temporary injunction (valid up to 15 days unless extended) or a final injunction (valid up to one year unless extended) against domestic or repeat violence which prohibits the respondent from engaging in certain behavior.

**Infirmities Of Aging:** means infirmities as manifested by advanced age, organic brain disorder, other physical, mental, or emotional dysfunction, to the extent that the ability of the person to provide for their own care or protection, is impaired; this may include, but is not limited to: forgetfulness, difficulty in mobility, or difficulty with sustaining basic living functions to include feeding, dressing, and cleanliness.

**Lacks Capacity To Consent:** means impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs or intoxication,

short term memory loss, or other cause that causes an elderly person or disabled adult to lack sufficient understanding or capacity to make or communicate reasonable decisions concerning the person's person or property.

**Marked Patrol Vehicle:** A City owned or leased vehicle assigned to the Uniform Patrol Division, which possesses certain markings, and equipment that distinguishes it as a police vehicle.

**M.O.V.E.S.:** The Mobile Operations Victim Emergency Services (MOVES). The program has domestic paralegals on call that will interview the victim, witnesses and officers. The paralegals would perform all initial case preparation including sworn statements, take photographs of victims, assess victims' needs (crime compensation, shelters, restraining order) and assess the risk of violence, placing special attention in victims' safety.

**Paralleling:** A marked police vehicle, directed by a supervisor to backup a pursuit, driving on a street "parallel" to the pursuit. The vehicle will operate in the emergency mode (with audible and visual equipment in operation) unless directed otherwise by the supervisor.

**Petitioner:** Person requesting protection via the Restraining/Protective Order.

**Primary Vehicle:** The police vehicle directly behind, or in sight of the fleeing vehicle. This unit must operate emergency lights and siren.

**Pursuit Vehicle:** The primary police vehicle attempting to stop a fleeing motor vehicle when the driver of that vehicle is apparently aware of police intentions and is resisting apprehension by increasing speed, disobeying traffic laws, willingly or knowingly failing to obey the officer's signal to stop. Only obviously marked police vehicles, utilizing all emergency equipment simultaneously, will be used as pursuit vehicles.

1. **Primary Officer:** The police unit in the best position to continue vehicle pursuit. Generally the police unit that initiated the pursuit.
2. **Secondary (Support) Officer:** A unit trailing the primary pursuit unit at a safe distance, and immediately available to assume pursuit or assist the primary pursuit vehicle. When practical, this unit will handle two-way radio communications.

**Ramming:** A deliberate act of using one vehicle to either stop, disable, or move another vehicle.

**Repeat Violence:** two or more incidents of violence or stalking committed by the respondent, one of which must have been within six (6) months of the filing of the petition, and which are directed against the petitioner or the petitioner's immediate family member.

**Respondent:** Person being restrained from certain actions listed in a Restraining/Protective Order.

**Restraining and Protective Orders:** Orders designed to restrain respondent from committing specific acts. The South Miami Police Department and/or any other law enforcement agency with jurisdiction are authorized to enforce the terms of the order.

**Roadblock:** The physical obstruction of a roadway with a police vehicle or other object for stopping, detouring or disabling an approaching vehicle or person.

**Self Neglect:** means malnutrition, dehydration, inhumane conditions, presence of bugs/vermin, living in filth, bedsores, or failing to take medication.

**Supervisor:** Usually a sergeant of a shift or task.

**Support Vehicle:** A police vehicle that follows the primary vehicle at a safe distance or to take over the pursuit should it become necessary. This unit must operate emergency lights and siren.

**Vehicle Pursuit:** An active attempt by one or more police officers driving a marked police vehicle to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by willfully failing to yield to the officer's signal to stop; an active attempt by an Officer in a police vehicle using siren and emergency lights to apprehend suspects fleeing in a motor vehicle when the Officer reasonably believes the suspects know they are being directed to stop, refuse to stop, and are willfully fleeing in an attempt to avoid capture by using evasive tactics to include, but not limited to, high-speed driving, driving off a roadway, making sudden or unexpected movements, or driving on the wrong side of the roadway. The mere fact that a vehicle is not stopping does not constitute a pursuit.

**Violent Felony:** A felony that involves an actual or threatened attack for which the police officer has reasonable cause to believe that death or serious bodily injury has or could have occurred, such as a homicide, kidnapping, armed robbery, rape, arson bombing of an occupied structure, assault with a deadly weapon, or any other felony involving use of a deadly weapon. The South Miami Police Department does not consider property crimes (i.e. auto theft) alone to be a violent felony.

## **PROCEDURES:**

### **18.2 Supervisory Response**

In most instances, it will be an officer who responds to calls for services or is first on the scene of emergencies. In order to see that the mission of the Department is carried out and that sufficient resources are called upon to meet any exigency, supervisors will be needed to respond to assume command of certain scenes or be advised of the circumstances involved in order to ensure that the Department response is adequate and timely: [CFA14.03]

- A. Missing children and endangered persons
- B. Crimes against persons (armed robbery, sexual battery, aggravated battery, homicides, etc.)
- C. Suicides
- D. Domestic violence cases involving departmental personnel within jurisdiction

- E. Vehicle crashes involving departmental personnel within jurisdiction
- F. Arrest of law enforcement personnel from other jurisdictions
- G. Large disturbances involving breach of the peace or a danger to public safety
- H. Any incident where resources from another agency must be called upon to assist
- I. Any incident requiring the calling in of off-duty personnel to assist
- J. Monitoring police pursuits and cancelling them when against policy or believed to unsafe to continue
- K. Any incident involving injury or death of an arrestee
- L. Any incident involving the use of force by an officer
- M. Any incident requiring a greater marshalling of resources than is available at the time or requires liaison with other law enforcement agencies

### **18.2.1 Vehicle Response Procedures**

All calls for service will be evaluated as to the seriousness of the situation, and the response to each call will be governed by the nature of the situation and the urgency of a police response on a case-by-case basis. A supervisor must authorize all other emergency responses.

- A. Members operating police vehicles shall observe the following requirements:
  1. Police vehicles shall be operated in a safe and courteous manner to prevent accidents, injuries, property damage, and to promote good public relations.
  2. Members operating police vehicles shall obey all provisions of Florida Statutes, local ordinances, and rules and regulations of the Department.
  3. While in a police vehicle, members shall secure their safety belt properly about their person and ensure that any passengers are likewise secured. [CFA14.09(M)]
  4. Police Officers shall only operate their marked police vehicles on Code 3 pursuant to provisions of this policy and Florida State Statutes as conditions necessitate and limited to the extent possible.
  5. At the start of a member's tour of duty, the member shall ensure that all vehicle lights are operational
  6. Members shall not operate a police vehicle from sunset to sunrise, or when visibility is less than 1000 feet, without the head lamps and tail lamps illuminated as per Florida Statute 316.217. Officers responding to a call or on patrol at night or during periods of poor visibility (less than 1000 feet) may extinguish their headlamps and tail lamps, to aid in a stealthy approach. However, they shall do so using extreme caution, and with due regard for any special hazard that may exist, so that life and property are not endangered.

7. A police radio shall be monitored and an approved firearm carried while operating any marked police vehicles, on or off-duty.

**NOTE: All vehicles used by the South Miami Police Department have approved occupant restraint devices (seat belts) following the standards as set in Florida State Statute 316.614 and by the US Department of Transportation. According to Florida State Statutes and by this policy, all front seat passengers will wear seat belts.**

**B. Stopped and/or Parked Police Vehicles:**

1. Upon reaching the scene of an incident or when making a traffic stop on a public street or highway, the police vehicle will be parked legally, if possible, so as not to create a hazard. At all times, the vehicle will be parked in a manner which will protect the citizen(s), the officer, and the scene of the incident, if applicable
2. When making a traffic stop on a public street or highway, the officer will start the overhead emergency lights and continue operation of those lights until the completion of the traffic stop. Whenever possible, the officer will attempt to make the initial stop by assuring that both vehicles are legally parked, or by directing the driver to a parking lot.
3. When parking at a crash scene, the police vehicle will be parked in a way that allows the emergency lights to warn approaching motorists of emergency conditions. The headlights or auxiliary white lights should be adjusted to avoid blinding oncoming motorists or impairing their ability to see the emergency situation. At fire or rescue scenes, officers will park in such a manner so that the police vehicle will not block the access of any incoming fire or rescue equipment.

**C. Marked Police Vehicle Equipment:** South Miami Police Department marked vehicles are equipped with the following standard equipment: Emergency warning devices [lights and sirens], spotlights and a public address system, and are marked conspicuously on the exterior with reflective striping.

1. Emergency Lights: Emergency lights signal other drivers that emergency conditions exist and that they should relinquish the right-of-way to the emergency police vehicle. The emergency lights should be used to speed up free movement to the destination of the emergency quickly and safely. Emergency lights will also be used while participating in a pursuit or emergency response. [CFA14.07M(a)]
  - a. Emergency lights and audible warnings are employed to signal users of the roadway that emergency conditions exist and they should relinquish the right-of-way to the patrol vehicle. It cannot be

assumed that emergency lights and siren will be sufficient to ensure the right-of-way, though state law requires that emergency vehicles be yielded the right-of-way under emergency conditions (FSS 316.126).

- b. Emergency overhead lights will be used when needed to signal the presence of an official vehicle.
2. Sirens: Every authorized emergency vehicle will be equipped with a siren or other audible device to be used only when the vehicle is operated in response to an emergency call or during the pursuit of an actual or suspected violator of the law. The driver of an authorized emergency vehicle will: sound the siren or other audible device when it is reasonably necessary to warn pedestrians and other drivers of their approach (reference FSS 316.271).
  - a. The siren will be used simultaneously with emergency overhead lights when needed. [CFA14.07(b)]
  - b. Some law enforcement goals may be better served if an officer does not alert an “in progress” offender to the officer’s impending arrival; however, the authority to drive contrary to traffic regulations requires the use of emergency equipment. **When the emergency equipment is turned off, the authority to drive contrary to traffic regulations ceases.**
3. Spotlight, takedown and hazardous warning lights.
  - a. Spotlights will be used as protection to the officer, especially when dealing with known or suspected felons. For example, following a night time traffic stop, the spotlight should be used to illuminate the interior of the violator's car so all occupants are within view and at a distinct disadvantage when looking back toward the police vehicle and the officer. The officer should be careful not to be silhouetted in the light. [CFA14.07M(d)]
  - b. The spotlight or takedown lights should not routinely be used to signal violators to stop due to the possibility of temporary blindness of the violator and other drivers from the glare created by the lights.
  - c. Hazard warning lights should be used during traffic details to warn oncoming traffic of a possible hazardous situation. [CFA14.07M(c)]
4. Public address system: [CFA14.07M(e)]

- a. The public address system may be used when stopping a violator. The desired actions of the violator can be directed from a safe distance, reducing the hazard to the officer.
- b. The public address system is also valuable in directing persons when unusual conditions exist, such as when a roadway is obstructed, or when alerting pedestrians to hazardous conditions.
- c. The public address system may also be used to disburse large groups of people.

## D. **Vehicular Response to Calls For Service**

When responding to calls for service in a motor vehicle, officers can respond in one of three ways: [CFA14.06M]

- Routine
- Code Two
- Code Three

They may start off their response at a lower level and be advised to “step it up” to a higher level of response by the dispatcher. They may conversely be originally advised to respond at a higher level, only to be instructed to “slow it down” to a lower level of response should information be received that indicates the original emergency is no longer posed.

**Routine Calls:** Non-Emergency Call Response [officer will abide by all traffic laws.]

1. Non-emergency calls-for-service will indicate a need for a normal response to a given situation. When officers are dispatched to a non-emergency call, they will respond promptly but safely. The authorized situations for a normal non-emergency response are as follows:
  - a. Most crimes reported after the perpetrator has departed the scene, or a suspected crime of a non-emergency nature;
  - b. Any traffic crash or traffic problem of a non-emergency nature; and
  - c. Any non-emergency calls for service by a citizen when there is no danger to life or property.
2. Non-emergency calls will be dispatched according to priority and the availability of an officer. Responding officers will operate their vehicles in a safe and courteous manner, following all traffic laws.

**Code 2 and Code 3 Emergency Calls:** Authorized Emergency Responses.

Officers responding code "2" will activate their emergency overhead lights and headlights and will use their siren at their discretion, deactivating it before reaching the area of the call. Speeds in excess of 20 miles over the posted limit are generally prohibited.

A situation or sudden occurrence which poses an actual threat of serious injury or loss of human life and demands swift police action is dispatched code 3. Code 3 dispatched calls are preceded by a tone indicator and the signal prefixed by a 3, such as a **315**. Speeds in excess of 20 miles over the posted limit are generally prohibited.

Florida Statutes place legal limits on police use of motor vehicles in responding to emergency situations. As such, the Department has established directives and guidelines to protect both the member and the public.

Most calls for police service are not emergencies. When a call for service is not a true emergency, the increased hazard of driving with the use of the emergency lights and siren is not justified.

1. Safety, expeditious arrival, and protection of life and property, are the three primary elements, which shall be considered in every instance requiring an emergency response. As such, the following examples shall serve as a guideline as to the types of incidents, which may necessitate an emergency response:
  - a. All in-progress and emergency incidents where immediate danger of death or substantial harm exists;
  - b. Cases involving an officer requiring emergency assistance.
2. During Code 3 vehicle operation, all emergency equipment shall be in continuous operation including siren and emergency lights. The use of headlights, is strongly recommended, but is not mandatory.
3. Only sworn police officers operating police vehicles shall be involved in emergency responses or pursuit situations.
4. Supervisors are responsible for monitoring emergency vehicle responses, "upgrading or down grading" them and controlling the number of units responding to an emergency call for service.
5. By Florida Statute, when dispatched on a Code 3 call, police officers may:

- a. Park or stand irrespective of applicable regulations;
  - b. Proceed past a red or stop signal or sign, but only after slowing down as necessary for safe operation;
  - c. Exceed the maximum speed limit so long as life or property is not endangered;
  - d. Disregard regulations governing direction, movement, turning or specific directions as long as life and property are not endangered.
6. Emergency lights and siren do not automatically provide the right of way. All intersections shall be clear with traffic stopped before entering against a traffic control device.
  7. Florida Statutes governing vehicular traffic and right of way shall be followed whenever two or more units responding Code 3 approach the same intersection.
  8. Whenever possible, main traffic thoroughfares shall be utilized for Code 3 responses.
  9. Police vehicles operating Code 3 may proceed the wrong way down a one way street, or go up an exit ramp.
  10. An emergency response is authorized for the situations listed below.
    - a. Traffic crashes in which one or more persons are reported to be seriously injured;
    - b. Traffic crashes with no reported injuries but with conditions that present an immediate danger of serious bodily injury to motorists or pedestrians;
    - c. Officer calling for emergency assistance;
    - d. Reported crimes of violence in progress involving dangerous weapons, robbery, serious bodily injury, or death;
    - e. Attempted suicide in progress calls; and
    - f. Authorized vehicle pursuits.
    - g. Any other situation as authorized by a supervisor.

11. The first officer on the scene will advise the Dispatcher of the situation so that other responding units can either continue or end their emergency response as the situation warrants.
12. Once the emergency is over, all responding units will immediately cease operating their vehicles in Code 3 emergency mode.

### **18.2.2 Pursuit of Motor Vehicles**

Pursuit of vehicles for the commission of any offense other than a violent felony is strictly prohibited, except when continued operation of a motor vehicle presents a clear threat of death or serious injury. All emergency vehicle operations will be conducted in strict accordance with existing statutes. Officers will use audible (siren) and visual (lights) emergency warning equipment at all times when engaged in a pursuit. All new officers will receive training in the this policy governing the pursuit of motor vehicles during their orientation week before being assigned to a field training officer.[CFA 14.05M(k)]

All personnel operating departmental vehicles will observe and exercise due regard for the safety of all persons. No assignment will be so important, and no task will be so rushed that the principles of safety become secondary. There are no tasks in the department so that can justify the reckless disregard of the safety of any person.

Pursuit of a vehicle is not justified unless the officer knows or has reasonable grounds to believe that the suspect driver presents a clear and immediate threat to the safety of other motorists or pedestrians; driver or occupant(s) has committed or is attempting to commit violent felony; and the necessity of immediate apprehension outweighs the danger created by the pursuit. The fact that a person attempts to elude an officer after being requested or signaled to stop does not alone justify a pursuit.

Exemption from Traffic Laws: Exemption from complying with traffic laws granted to emergency vehicles by Florida Statutes 316.072 (5) apply only when such vehicles are using the statutory required visual and audible devices.

Pursuits involving traffic violators, misdemeanor offenses, or persons that have committed property crimes are prohibited.

- A. Evaluating the circumstances: All personnel involved will consider the following factors when determining whether any pursuit should be initiated, continued, or ended: [CFA14.05M(a)]
  1. The seriousness of the originating crime and its relationship to community safety;
  2. Safety of the public around the pursuit;

3. Officer's ability and experience;
4. Time of day;
5. Visibility and illumination;
6. Volume of vehicular traffic;
7. Environment of pursuit (school zones, residential, business, etc.);
8. Weather conditions;
9. Road conditions: Familiarity of officer and supervisor with the area of the pursuit;
10. Speeds involved;
11. Quality of radio communications between the pursuing units, the Communications Center, and supervisor;
12. The mechanical condition of the police vehicles involved;
13. The possibility of identification and apprehension later; and
14. Likelihood of successful apprehension
15. Pursuits involving traffic violators, misdemeanor offenses, or persons that have committed property crimes are prohibited.

B. Initiating officer's responsibilities: [CFA 14.05M(b)]

The unit initiating the pursuit will be often referred to as the primary unit, but in all cases will be the unit in closest proximity to the fleeing vehicle. Officers may engage in a pursuit of a fleeing vehicle if they can articulate a demonstrable belief that:

1. A subject(s) has committed, or is about to commit, a violent felony which can or could have resulted in serious bodily injury and/or death or:
2. A subject(s) has committed, or was about to commit, a crime of violence resulting in serious bodily injury or death, and to allow the subject to remain at large would, or could, result in harm to others.

Additional responsibilities are as follows:

1. Upon initiation of a pursuit, an officer will immediately notify the Communications Center via the main frequency, of the pursuit and furnish all pertinent details (i.e. description of the vehicle, number of occupants, location and direction of travel, the nature of the original offense). Any other information that could aid in identification, apprehension, or the determination to either continue or end the pursuit will also be provided to the Communications Center.
  2. The primary unit will conduct communications with the Communications Center until the secondary unit arrives. The primary pursuit vehicle will advise dispatch of the whereabouts of the suspect vehicle, actions to be taken by other responding units, and all other pertinent information.
  3. Any officer directly involved in a vehicle pursuit will be held accountable for the continuation of a pursuit when, from the facts known to the officer and considered with the significant factors set forth in this procedure, a person of reasonable caution would be justified in believing that the danger to the community outweighs the necessity of immediate apprehension, or, if they continue pursuit after it is ordered ended.
  4. Maintain radio contact with the Communications Center and supervisor. As the main police frequency is manned and staffed by Miami-Dade Communications personnel, those personnel will be governed by the policies of their agency. South Miami Police Communications personnel will refrain from dispatching any calls during the pursuit and allow the Miami-Dade dispatcher and the involved units to have control of the radio frequency while the pursuit is in progress.[CFA14.05M(e)]
  5. Keep radio transmissions as brief as possible;
  6. If they end a pursuit for any reason, provide the location where the vehicle was last seen, its speed and direction of travel.
- C. A secondary unit in the pursuit which trails the primary unit at a safe distance and which will be immediately available to assume the pursuit or assist the primary unit in the event the fleeing vehicle is stopped will be referred to as a Support Unit. [CFA 14.05M(C)]
- 1) Support/secondary Unit Responsibilities:
    - a. The support unit, upon joining the pursuit, shall immediately confirm and notify Dispatch of its identity.
    - b. The support unit may assume radio communications responsibility, if more practicable than for the primary pursuit unit.
    - c. The support unit shall maintain a safe distance behind the primary unit, but be close enough to render assistance.

- d. Should the primary pursuit unit become disabled, the support unit shall become the primary pursuit unit, and the supervisor shall designate a new support unit.
- e. The support unit shall suspend communications, unless taking over as the primary unit or to relay significant information.
- f. Unless the primary pursuit unit becomes disabled, the support unit shall remain behind the primary unit. The passing of the primary pursuit unit is expressly prohibited. [CFA 14.05M(C)]

D. Back-Up Units:

- 1. With the exception of the primary and support unit, all police vehicles cognizant of the pursuit shall become back-up units.
- 2. They will remain alert to the direction and progress of the pursuit and may position themselves at strategic sites along the probable pursuit route or on parallel roadways for response to any exigencies that may develop; however, these units will not be operated in an emergency mode.
- 3. There shall be no caravanning by units not directly involved in the immediate pursuit.

E. Supervisor's responsibilities: [CFA14.05M(f)]

- 1. Once notified, the patrol supervisor will evaluate the circumstances of the pursuit and, if deemed necessary, will end it.
- 2. If the pursuit is authorized, the supervisor will continually monitor the pursuit and order it ended whenever all facts known to the supervisor and weighed with the significant factors set forth in this procedure would justify a person of reasonable caution in believing that the danger to the community created by the pursuit outweighs the necessity of immediate apprehension.
- 3. **The supervisor will have the sole responsibility of requesting assistance from other agencies and/or jurisdictions, to include aerial assistance, response of K-9 units, etc.**
- 4. Upon the conclusion of the pursuit, it will be the responsibility of the supervisor to complete a "Pursuit Report" for submission through the chain of command for a documented administrative review of the incident. The document will include: [CFA14.05M(j)]
  - a. The units involved
  - b. The reason for the pursuit
  - c. Direction of travel, road conditions, weather conditions, and estimates of speeds attained by the vehicles
  - d. A narrative containing the facts of the case (descriptions of vehicles or subjects, arrests charges if made, if any injuries occurred, any other agency case numbers if applicable)

F. Pursuit Tactics and Use of Forcible Stopping/Roadblocks:

The general aim of a police pursuit is to follow the offender vehicle and make an apprehension of the driver and/or passengers. The purpose of the pursuit should not be to forcibly stop the vehicle. [CFA14.05M(g)]

1. Roadblocks during a pursuit are prohibited.
2. All contact maneuvers, including heading off, ramming, driving alongside of a subject vehicle while it is in motion, or any other action intended to force the vehicle to stop, are prohibited.
3. "Boxing in" a stopped subject vehicle is permitted.
4. All officers in pursuit, whether the vehicle in front of them is the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows or turns.
5. Following a suspect driver who drives the wrong way onto a limited access expressway, or driving the wrong way on a one way street *is not prohibited*.
6. **Ramming or Pitting a Pursued Vehicle:** Ramming or pitting (Utilizing a PIT maneuver) a suspect vehicle in an attempt to stop or alter the course of the vehicle is specifically prohibited.
7. **Discharging a Weapon:** Officers shall not use their firearms if circumstances do not provide a high probability of striking their intended target or the firing of a firearm would place innocent persons in the background at risk. The use of firearms shall be governed by the existing Use of Deadly Force policy (see G.O. 1.3.2).
8. **Motorcycles:** While pursuing a fleeing motorcycle, officers will not attempt to dislodge the rider by any means.
9. **Vehicles prohibited from pursuits:** [CFA14.05M(d)]
  - a. vehicles with a high center of gravity (SUV, Pickup); specifically *prohibited* (pursuit rated SUVs are exempted).
  - b. electrically powered vehicles; specifically *prohibited*.
  - c. vehicles that are mechanically unsafe; specifically *prohibited*.
  - d. vehicles without emergency lights and siren; specifically *prohibited*.

e. vehicles that have not been subjected to the regularly scheduled preventive maintenance program; specifically *prohibited*.

10. Pursuits should be conducted by marked patrol vehicles, however, unmarked vehicles equipped with emergency lights and siren could become involved. Unmarked vehicles shall only remain involved for as long as it is safe for the operator to do so or until relieved by a marked patrol vehicle.

G. Cancellation and/or Termination of Pursuit: The decision to abandon the pursuit may be the most appropriate course of action. Officers and supervisors must continually question whether the seriousness of the crime justifies continuing the pursuit. An officer will not be censured when, in the officer's opinion, continued pursuit constitutes an unreasonable risk.

**A pursuit shall be terminated under any of the following circumstances:[CFA14.05M(h)]**

1. If, in the opinion of the pursuing officer or the supervisor controlling the pursuit, there is a clear and unreasonable danger to the officer and/or others created by the pursuit that outweighs the necessity for immediate apprehension.
2. The suspect's identity has been established to the point that later apprehension can be accomplished and, in addition there is no longer any need for immediate apprehension.
3. The prevailing traffic, roadway and environmental conditions indicate the futility or unreasonable danger of continuing the pursuit.
4. The vehicle being pursued is no longer in sight.
5. The pursuing officer feels that the safety hazards involved are such that they are more than either they or the fleeing driver can cope with.
6. When there is an equipment failure involving the emergency blue lights, siren, police radio, brakes, steering or other essential mechanical equipment, the pursuit shall be terminated by that unit. However, when a support officer is available, the support officer may assume the primary officer's duties allowing the pursuit to continue.
7. If a citizen becomes involved in a crash, as a direct or indirect result of the pursuit, the primary officer shall terminate the pursuit long enough to:
  - a. Determine injuries and remain on scene if injuries are reported;
  - b. Notify communications; and

- c. Protect the crash scene, if necessary.
  8. Under the following conditions, the primary pursuing officer will reduce the level of pursuit to that of a support or back-up officer in the event:
    - a. The fleeing suspect vehicle comes under the surveillance of a police aviation vehicle; or
    - b. When another police officer comes into closer proximity or has a better tactical advantage to continue the pursuit.
- H. Procedures involving Inter and Intra-jurisdictional Pursuits: [CFA14.05M(i)]
  1. The MDPD Dispatcher, with the approval of the supervisor controlling the pursuit, will notify outside agencies if this department is in pursuit in their jurisdiction. The MDPD Dispatcher will specify that the call is either a request for assistance or merely a courtesy notification with no participation desired.
  2. Notification by another jurisdiction of a pursuit in progress to the department's Communications Center shall not be construed as a request to join the pursuit. The caller from the outside agency will be specifically asked if the agency is making a request for assistance or merely making a notification.
  3. Officers shall not become involved in another agency's pursuit unless specifically authorized by a Patrol Supervisor or unless it is clearly demonstrated that an officer from an outside agency is unable to request assistance or the emergency nature of the situation dictates the need for assistance. In these instances all departmental pursuit policies are in effect.
  4. The MDPD Dispatcher personnel receiving a notification of a pursuit by an outside agency shall carefully assess the circumstances to determine if the pursuit is likely to enter this department's jurisdiction. Prior to making any radio broadcast, the MDPD Dispatcher will obtain from the notifying department the same information that a primary pursuit officer from this agency is expected to provide.
  5. Requests by other agencies for pursuit assistance must be approved by a road supervisor prior to being broadcast. Once this approval has been made, the first officer from this agency to join the pursuit will be designated as backup officer. A Patrol Supervisor will specifically authorize any additional assistance by this department and the procedures established shall be in effect.

### **18.2.3 Field Interviews**

- A. Cause and Limitations:
1. Before a police officer may detain and question any person for whom there is no probable cause for arrest, there must be something about the circumstances that arouses suspicion that the individual has been, is, or is about to be involved in criminal activity. [CFA15.07(a)]
  2. Florida State Statutes limit officers to the temporary detainment and determination of a person's identity, and an explanation of the person's presence and conduct. If there is no probable cause for arrest, an officer may not detain anyone beyond the minimum time necessary to obtain information.
    - a. Florida State Statute § 901.151, Stop and Frisk Law, under the circumstances described in the statute provides for:
      - 1) Determine identity and explanation of a person's conduct that led to an officer's suspicion;
      - 2) A pat down for weapons; and
      - 3) The release of a person when they give an explanation and identity, if there is no probable cause for arrest.
    - b. Florida State Statute 856.021, Loitering or Prowling, provides for arrest under specific circumstances. Officers must allow suspects to explain their presence and conduct. Officers may not arrest if such explanation is reasonable and seems true.
- B. Field Interrogation Report [FI]:[CFA15.07 (b), (c)]
1. Documentation of the identity of persons observed in suspicious circumstances is an effective and important tool of law enforcement.
  2. A Field Interrogation Report will be completed to document contact with people and/or vehicles under circumstances that seem suspicious or unusual in some way. This report will be kept in the Records Management System and is available for review as part of Crime Analysis by Department members in Patrol and Criminal Investigations.
  3. The Field Interrogation Report may be retained, according to the general records schedule for law enforcement agencies, until it is obsolete, superseded, or the value is lost.
  4. Information gathered on field interrogation reports may be considered criminal intelligence and processed in accordance with G.O. 24 – Criminal Intelligence and G.O. 35 - Records.

5. Field Interrogation Reports will be completed via computerized report in the same manner as Uniform Traffic Citations (GO 18.4)

#### **18.2.4 Preliminary Investigations of Crimes**

Most often uniformed patrol officers will be dispatched or arrive at scenes of crimes. An arrest may be made at scene or the incident may require follow-up investigations by the Criminal Investigations Division. The following steps should serve as a general guideline in the handling of those cases by officers from the Patrol Division:

- A. Observe all conditions, events, and remarks;
- B. Locate and identify victims and witnesses;
- C. Maintain the crime scene and protecting evidence;
- D. Interview the complainant and the witnesses;
- E. Interview the suspect (if on scene);
- F. Arrange for the collection of evidence;
- G. Effect the arrest of the suspect (if on scene and probable cause exists);
- H. Report the incident fully and accurately;
- I. Check all persons involved in the investigation for open warrants and any evidence of a criminal history to give a full picture of all parties in the case being investigated and to help find those fugitives with outstanding warrants.

#### **18.2.5 Death Notification Procedures**

The following circumstances establish the procedure for notification of the person or entity indicated.

- A. **Medical Examiner:** Florida Statutes require notification to the medical examiner for the concerned jurisdiction in all death cases resulting from:
  1. Poison;
  2. Suicide;
  3. Any accident;
  4. Criminal violence;
  5. Criminal abortion;
  6. Actions in any penal institution;

7. Suspicious or unusual circumstances;
8. Sudden death when in apparent good health;
9. A disease is a threat to public health; and
10. Disease, injury or toxic agent resulting from employment.

If a Miami-Dade Police Department Homicide Investigator has been called to the scene, the Homicide Investigator will handle call-out of the medical examiner. In other non-criminal medical examiner cases when a detective is not called (i.e. natural deaths with no funeral arrangements), officers will attempt to contact the medical examiner's office directly. The officer will explain the situation before making the actual request for an on-scene response by the medical examiner's staff.

**Removal of bodies or human remains in medical examiner cases is the sole responsibility of the Medical Examiner's office.**

### **18.2.6 Death Investigations**

The Miami-Dade Police Department Homicide Bureau shall be notified of all deaths. The circumstances of the death will be related to the Homicide Investigator. If the death is a natural death, a physician can be contacted that will sign the death certificate and if the next of kin is on the scene then the MDPD Homicide Investigator will likely advise to release the body to the family. The family can then notify a funeral home to remove the body.

*The next of kin will be recognized in the following order:*

- 1) Spouse;
  - 2) Son or Daughter;
  - 3) Father or Mother;
  - 4) Legal Guardian;
  - 5) Brother or Sister;
  - 6) Grandson or Granddaughter (in absence of all the above);
  - 7) Grandfather or Grandmother
  - 8) Aunt or Uncle.
- A. Investigators of the Miami-Dade Police Department Homicide Bureau shall investigate all deaths when there are reasonable grounds to suspect that the death was not due to natural causes or when no physician will sign the death certificate.
1. Officers discovering a suspicious death or suicide shall assume the death is a criminal homicide and proceed accordingly.
  2. In the event of a death or when a person is in serious condition as a result of negligence or the commission of a crime, any persons observing such incidents are to be treated consistent with the handling of witnesses of a crime or important event.

3. The Miami-Dade Police Department Traffic Homicide Unit will investigate traffic fatalities not occurring on designated state highways. Notification will be made via the Communications Center to the Miami-Dade Police Department Communications Shift Commander. The Florida Highway Patrol will investigate traffic fatalities on designated state highways within the City ( SW 40 St.).
- B. General Death Investigation Procedures: If the investigation has determined that the death was a not a natural death or there is no physician to sign the death certificate, or the physician can not be contacted, the Miami-Dade Police Department Homicide Bureau shall be notified of this, as part of notification of any death.
1. In the event that the investigating officer determines that the death is not a medical examiner case, and the next of kin cannot make arrangements for removal of the deceased, the officer on scene shall notify the Medical Examiner's Office to contact the Indigent Burial Services.
  2. In the event that the next of kin is not on the scene, the Miami-Dade Police Department Homicide Bureau shall be notified to determine whether a Homicide Detective will respond and conduct an investigation.
  3. The Traffic Homicide Investigator in charge of a traffic fatality scene is authorized to direct the removal of the deceased from the scene of a fatal automobile crash after the Medical Examiner's Office has been contacted and has indicated that a medical examiner will not respond to the scene.
- C. Homicide:
1. All necessary assistance shall be summoned to the scene (i.e. other units or a supervisor). Miami-Dade Police Department Homicide Bureau investigators will summon an MDPD Crime Scene Unit.
  2. The officer(s) on scene shall maintain the crime scene and await the arrival of the aforementioned units.
- D. Suicide: If the death is suspected of being a suicide, the Miami-Dade Homicide Bureau shall be contacted as in a homicide.
1. All necessary assistance shall be summoned to the scene (i.e. other units or a supervisor). Miami-Dade Police Department Homicide Bureau investigators will summon a Crime Scene Unit.
  2. The officer(s) on scene shall maintain the crime scene and await the arrival of the aforementioned units.

E. Unattended Deaths: The investigating officer shall attempt or determine if the death was from natural causes or of a suspicious nature.

1. The officer shall attempt to secure the following information:
  - a. Apparent cause of death, location of deceased person, condition of scene, any unusual bleeding, discoloration of the skin, or other marks on the body;
  - b. Identify the deceased; name, date of birth, age, etc.
  - c. Next of kin;
  - d. People who last saw the deceased alive and at what time;
  - e. Family physician and previous medical history;
  - f. Existence of medicines, weapons, notes, or letters.
2. The deceased should not be touched or moved prior to the arrival of the investigator except when necessary to extract the deceased's wallet to ascertain identity information.
3. Should the investigating officer determine that the deceased died of natural causes and that the deceased was the only person residing at the location of the death, the following procedures are to be implemented:
  - a. If the deceased had been treated recently by a doctor, contact the doctor and determine if he will sign the Death Certificate;
  - b. Contact the Miami-Dade Homicide Bureau;
  - c. Should the homicide investigator advise that he/she will respond, do not touch or move the deceased. Any medications or medicine containers found at the scene of death should accompany the deceased after the information was recorded for the police report.

F. Securing Property at the Scene of a Death: At the scene of any death, the officer in charge of the investigation shall be guided by the following with regards to property at the scene:

1. Prior to the removal of the deceased, and in the presence of at least one other officer, ALL items (except clothing) are to be removed from the person of the deceased. Items removed shall be inventoried at the scene and a copy of the property receipt shall be left in a conspicuous location in the dwelling, if no next of kin is present and the items are taken to the station for safekeeping.
2. Personal possessions are not to be removed from the residence in most cases. Possessions that are found upon the deceased can be left in the custody of the next of kin on the scene.

3. If the deceased lived alone, only those items of value found upon the person of the deceased are to be removed from the residence for safekeeping. Other items of significant value, however, which can easily be removed, such as jewelry or currency that are observed in plain view are to be taken into custody for safe keeping consistent with department property procedures.
4. It shall be the responsibility of the officer who inventoried the property to deposit the property removed from the deceased or from the residence into the Property Bureau as soon as possible.
5. The residence will not be searched, except to ensure officer safety and for the safety of others present (i.e. for the presence of other possible victims).
6. After the remains have been removed and before departing the scene, officers are to close and lock all doors and windows, if possible. Evidence seals are not to be placed on the structure. If a next of kin is present, it will be their responsibility to secure the residence.
7. Unless a key to the residence is found upon the remains or it is impossible to lock the door without a key, the key to the residence is not to be removed from the residence.

G. Reporting Requirements:

1. An Incident Report shall be completed in all cases of death.
2. If Miami-Dade Fire/Rescue took action on the scene prior to police arrival, those personnel shall be identified, and their actions noted in the police report.
3. Indicate in the report if the next of kin was notified or if there is a need for follow up on the notification.
4. In those cases where the investigation is concluded by the officer at the scene (natural death type) and no further investigation will be conducted by the Miami-Dade Police Department Homicide Bureau, the investigating officer shall determine the appropriate incident classification (“Apparent Natural Death”).
5. In those instances where the investigation has not been concluded, officers will classify any reports filed regarding the incident as “Deceased Person”.
6. A report will be written regardless if the case is self-initiated or reported by another person.

## **18.2.7 Alarm Response**

- A. The Communications Center will attempt to determine the nature of all alarms (residential, silent or audible, intrusion, etc.). A minimum of two (2) officers will be dispatched on all alarm calls and additional officers will be dispatched whenever circumstances demand, or when requested by the responding officer.
- B. In the event of an alarm discovered by a patrol officer, the officer will notify the dispatcher of the location of the alarm. Backup officers will be dispatched in accordance with this policy unless the on-scene officer requests an emergency response.
- C. Upon arrival at the scene, the officers will check the exterior of the building/residence to determine if an illegal entry may have occurred. If a possible point of entry is discovered, backup officers will be requested and the entire scene will be secured prior to any police officers entering the building. If a canine (K-9) unit is available, they may be called to search the scene.
  - 1. If a canine (K-9) unit is unavailable or exigent circumstances exist, an organized building search will be conducted after the scene is properly secured by at least two (2) officers.
  - 2. If possible, contact should be made with the owner of the building/residence or the manager so that entry can be gained through a door rather than having an officer crawl through a broken window, a hole in the wall, or other difficult point of entry.
- D. Upon receipt of a call that a bank alarm has been activated, the dispatcher will immediately notify the patrol units that a bank alarm has been received and the name of the bank/branch at which the alarm has been activated.
  - 1. The unit(s) assigned as contact officer(s) will be advised of the predetermined contact point outside of the bank. This officer will proceed to that location and wait the arrival of the designated employee of the bank for proper identification and confirmation if the alarm was false.
  - 2. In the event that there is no response from the bank, it will be presumed that the alarm is not a false alarm.
  - 3. When contact is made with the bank employee, the contact officer will advise the status of the call. Should this in fact be a robbery in progress, the predetermined tactical response (i.e. Miami-Dade SRT) will be executed, and all available patrol units should respond to form up a perimeter.

## **18.2.8 Ride-Along Program**

The ride along program allows citizens to voluntarily accompany officers and to observe law enforcement activities in order to better understand the problems of public safety. The observer may request to ride in an area at any time or with a particular officer. If convenient to the department and conditions permit, permission may be granted. The safety of non-police personnel will be a primary concern.

### **A. Ride-Along Requests:**

1. Persons wishing to ride along should obtain the ride along form from the Police Department. The completed request form and waiver should be returned at least 10 days before the desired ride along date.
2. The Assistant Chief will review and grant permission, when appropriate, for citizens to ride with police officers. The Assistant Chief will ensure that a records check is made on any applicant for the ride along.

### **B. Limitations:**

1. A person may not ride unless the properly completed waiver has been approved by the Assistant Chief. Approval will be for one specific tour of duty unless special limitations or extensions are granted by the Assistant Chief.
2. Observers will only ride with those host officers who have been off the FTO Program for a minimum of 9 months (one year of police experience).
3. Police spouses may participate in the Ride-Along Program with approval of the Chief of Police or his designee.
4. No more than one observer will accompany an officer at a time.
5. No more than one observer (civilian and/or non-sworn) or explorer will ride per shift unless prior approval is given by the Assistant Chief or designee.
6. Generally, ride alongs are restricted to 8 hour tours.
7. Explorers are allowed on all shifts (24/7), and because of their training, are permitted to occupy a vehicle running a 3-Signal. They are not permitted to participate in actual emergency situations, such as in progress violent crime calls, hostages, etc. (See G.O. 6.3 for further clarification).
8. Juveniles must be at least 14 years of age and must have the request and waiver forms signed by a parent or guardian. The decision to grant approval

rests with the Assistant Chief after conferring with the Chief of Police for juveniles between 12 and 16 years of age.

9. No one will be allowed to observe police activities relating to raids or ride with plain clothes units without specific advance coordination and approval of the Chief of Police.
10. No more than two ride-alongs are permitted per calendar year unless approved by the Chief of Police (exceptions are Explorers, Interns, and those civilians otherwise employed by SMPD).

C. Beginning Tour:

1. If no specific officer is requested by the observer, the on duty supervisor will appoint the host officer.
2. The observer should be appropriately dressed. If not, ride along approval may be cancelled by the duty supervisor.
3. Supervisors will ensure that the dispatchers are aware of which officers have observers with them.
4. Supervisors will indicate the observer on the *Shift Line Up* sheet next to the officer's name: "Officer's name/Obs. Smith".
5. When officers check in service they will advise Communications: "*I'll have an unarmed observer/Explorer with me.*"
6. The host officer shall instruct the observer on the procedures required while riding, which shall include:
  - a. Observer must follow directions of the officer.
  - b. Observer may be required to appear as a witness in court.
  - c. Observer may terminate the ride whenever he or she wishes.
  - d. Observer will assure the confidentiality of department activities observed.
  - e. Observer will be prompt to report for the program and not exceed the time approved.
  - f. Ride alongs are to wait in the car upon arrival at complaint or request for service locations, unless directed otherwise by the host officer.

D. Observer Conduct:

1. Standard of dress:

- a. Females: Conservative dress; conservative skirt and blouse; slacks and blouse; pants suit.
  - b. Males: Dress shirt (long or short sleeve) or polo shirt; suit trousers or conservative slacks.
  - c. Shoes: A maximum heel height of 3 inches is permitted for females. Shoes must have a heel or heel strap. Sneakers, sandals, jellies, slippers, flip flops, clogs, or cowboy boots are not permitted.
  - d. Halter tops, jeans, shorts, etc., are not permitted.
2. Observers shall at all times remain under the complete control of the assigned officer and shall comply with all directions and requests.
  3. Observers shall not interfere with investigations in any way by conversing with victims, suspects, or witnesses, handling evidence or police equipment, or participation in any police activity unless directed to do so by the host officer.
  4. Should an observer indicate a desire to cease participating in the ride along at any time, the host officer shall return the observer to the point of origin as soon as possible.
- E. Prohibited Activities: Pursuits
1. If officers must perform activities such as pursuits, they must first relocate observers at a safe location. In the case of the officer initiating the pursuit, when another police vehicle joins the pursuit, the officer will withdraw from the pursuit or leave the observer in a safe place before continuing to pursue.

### **18.2.9 Domestic Disturbance/Domestic Violence**

This Department has adopted a proactive arrest policy with respect to incidents of domestic violence. The purpose of this policy is to abide by the spirit, as well as the letter of the law, in enforcing those Florida State Statutes provided to protect victims, bring perpetrators of family violence under the control of the criminal justice system, and reduce repeated police response.

In almost all circumstances where the officer reasonably believes that a risk of further violence at the scene of the domestic disturbance does exist, an arrest will be made. The decision to arrest and charge shall not require the consent of the victim. The law requires that when an arrest is not made, the officer **will** state in the police report why an arrest was not made as well as a description of physical injuries observed, if any. [CFA15.09M(c)]

- A. Upon arriving at a domestic disturbance, responding officers shall make an initial assessment of the situation, separate combatants to gather information and determine whether an arrestable offense has been committed. When complaints are

received from two or more parties, the officers shall evaluate each complaint separately to determine whether there is probable cause for arrest. [CFA15.09M(a)]

Any domestic violence incidents involving a sexual battery, arson, robbery, shooting, stabbing, and/or homicide, a South Miami Police CID Detective will be notified (and in the case of sexual battery, arson, and homicides, the Miami-Dade Police Department Investigations Bureau will also be notified). In cases where the offender is no longer on the scene, the case will be assigned to a detective in CID to try and locate the offender and make the arrest if probable cause still exists. [CFA15.09M(e)] In all incidents of domestic violence or domestic related criminal allegations involving police officers, a supervisor will be notified.

- B. Officers who self-initiate or respond to investigate alleged incidents of domestic violence shall: [CFA15.09M(b)]
1. Assist the victim to obtain medical treatment if necessary.
  2. Advise the victim of the support services available.
  3. Have a sergeant or unit with a camera respond to take photograph(s) of alleged injuries. Make sure at least a full body photograph of the victim is taken. Pictures taken of females showing injuries to the breasts or genital areas shall only be taken by female officers, if possible.
  4. Provide the victim a copy of their legal rights and remedies “VAN” pamphlet and ask the victim whether a domestic or repeat violence injunction has been obtained. [CFA14.04M] If no injunction exists, an officer may still make an appropriate arrest pursuant to Florida State Statute 901.15, when probable cause for a crime exists.
  5. Complete an offense report.
  6. If an officer makes a domestic violence arrest, the charge should be one of the following:
    - a. Battery/Domestic Violence;
    - b. Assault/Domestic Violence;
    - c. Sexual Battery/Domestic Violence;
    - d. Violation of Injunction for Protection Against Domestic Violence.
  7. Reports:
    - a. Arrest Affidavit: Miami-Dade Ordinance 99-5 requires the Clerk’s Office to forward a copy of the final conviction of a domestic violence related crime to the perpetrator’s employer. Officers shall

ensure that the employer's name and business address is noted when completing Arrest Forms in Domestic Violence related arrests.

- b. South Miami Police Department Victim/Witness Statement, Domestic Violence Supplement report, will be completed.
- c. Additionally, include in the report any children that were on the scene.
- d. The report must also reflect that the victim was provided the Domestic Violence/Victim Rights information pamphlet.(CFA14.04)
- e. All reports of domestic violence, whether an arrest is made or not, shall be faxed to the domestic violence center, Safespace. Officers will note on the report that it was faxed to Safespace, and once approved, the shift sergeant will provide a copy of the signed off report to dispatch to fax within 24 hours, per F.S. 741.29.

C. Arrest with Probable Cause: An officer may arrest without a warrant when:

1. There is Probable Cause to believe that an act of domestic violence or child abuse has occurred as defined in FSS 827.04(2) and/or in FSS 741.30, the officer finds any evidence of bodily harm **or** the officer has corroborating evidence based upon the statements of one or more eye-witnesses that an offense has occurred, **and** the officer reasonably believes that there is a risk of violence unless the person alleged to have committed the act of domestic violence is arrested without delay.
2. There is Probable Cause to believe that the person has committed a violation of an injunction for protection against domestic violence contrary to FS 741.31, or a violation of an injunction for protection against repeat violence contrary to FSS 784.046. If an arrest is made, a copy of the order is to be attached to the completed Arrest Affidavit and a copy of the order is to be secured for Departmental records.
3. An officer who acts in good faith and exercises due care in making an arrest is immune from civil liability that otherwise might result by reason of his/her action. No law enforcement officer shall be held liable, pursuant to FSS 901.15(7), for an arrest based upon Probable Cause.
4. The desire of the victim concerning an arrest, prosecution, or the making of a formal complaint against the offender need not have any influence concerning the actions of the officer. If a lawful arrest can be made, the offender will be arrested.

D. Victim Assistance and Support: In every reported case of domestic violence, officers will make reasonable efforts to assist the victim and will conduct a complete investigation.[CFA15.09M(d)]

1. Officers will see that adequate photographs are taken of any visible injuries (or lack of injuries in applicable cases).
  2. In any case of domestic violence where injuries are not yet visible, the officer will instruct the victim to contact the CID if and when such injuries become more apparent (i.e. bruise marks surfaces).
  3. In every case of reported domestic violence, officers will provide the victim with a copy of the VAN pamphlet which includes victim's legal rights and remedies, and orally explain the victim's legal rights.
  4. In every case of reported domestic violence, officers will make proper referrals to social agencies [MOVES].
  5. In any domestic violence investigation, the officer will make all reasonable attempts to obtain a written statement from any victim(s) and/or witness(es). If an arrest is made such statements will be attached to the original report.
- E. Domestic Violence and Incident Reporting Requirements: In accordance with Florida law, **ALL** domestic incidents shall be reported using regular incident or offense report. Under **NO** circumstances will a dispatched call receive a classification of “no report. [CFA15.09M(f)]
- F. Domestic Violence/Repeat Violence Injunction Violations: Officers responding to a domestic situation involving a violation of a Domestic Violence Injunction or Restraining Order shall enforce the court order. FSS 901.15(6) permits an officer to make a warrantless arrest if there is probable cause to believe that the person has knowingly refused to vacate the premises as outlined in the injunction pursuant to FSS 741.31. Officers may enforce restraining orders pursuant to the following criteria:
1. If the petitioner can produce a copy of the injunction, request to view the petitioner's copy. Review the document to determine if the offending party has been served with notice of its existence. This can be accomplished through the appropriate documentation or by the victim if he is in possession of a copy of the order which reflects a judge's stamp which may state that service has been obtained on the offending party.
    - a. Verify that the injunction has not expired and check the restrictions imposed on the respondent by the court.
    - b. Verify that the respondent was served by contacting the Miami-Dade County Civil Process Bureau (**305-375-5100**) during normal business hours (0900 to 1700 hrs.) prior to serving it, to determine if any other court orders have already been served by any other agency regarding the same case. If it is after business hours, officers are to

call the Miami-Dade Warrants Section (**305-471-1700**) to determine if the order has been served. It is recommended to check both the Civil Process Bureau and the Warrants Section to verify service.

- c. A certified copy of the order is preferable but not absolutely necessary for enforcement purposes. In the absence of certified copy of the order, a true copy with a judge's stamp is sufficient.
- d. The order must specifically provide for enforcement by a police officer of the City of South Miami or a municipal police officer. No action shall be taken with respect to orders only directing the Metro-Dade Police, or a Sheriff or his deputies, to enforce the order or with respect to orders that contain no provision for enforcement.

2. If the petitioner does not have a copy, ascertain through the Communications Center that a valid injunction is on file with our Police Department, or through the Records Section that a valid injunction is on file with the Department. Contact the Civil Process Bureau and/or the Warrants Section to check if the respondent was served the injunction.

3. **After proper service of the injunction upon the respondent, the injunction is considered valid and enforceable in all counties of the State of Florida. It is of utmost importance to verify that a respondent has been properly served with the injunction prior to arresting him/her for violating same. Only a respondent who has been considered served with the injunction should be subject to arrest for violation of same.**

G. Serving Domestic Violence Injunctions and/or Restraining Orders: Municipal police officers are empowered to serve Domestic and Repeat Violence injunctions. The Miami-Dade Police Department remains the primary agency responsible for the service of Domestic and Repeat Violence Injunctions and retention of the documents pursuant to statute.

1. A South Miami Police officer may serve a certified copy of the domestic violence and/or repeat violence injunction on the respondent, when the respondent is on scene, and upon the arrival of a domestic disturbance with one or more parties being in possession of an injunction.

2. The top page of the package will have a **Proof of Service Form** identifying the petitioner and the respondent. The back of the Proof of Service Form has a detailed outline of instructions for the officer in the proper handling and service of the injunction including "drop service".

3. The Proof of Service Form requires that the Miami-Dade Police Department is to be notified of service of the injunction or restraining order. The officer is responsible for insuring the Proof of Service Form is faxed within two (2)

hours of service to the Warrants Section as instructed on the reverse side of the form.

4. The original Proof of Service will be returned to the SAO or Miami-Dade Warrants as instructed on the order. A South Miami Police incident report will be prepared; a copy of the order and fax confirmation receipt will be attached to the original report. The report narrative should include information relevant to the service of the injunction.

H. Arrest without a Warrant for Violations of an Injunction for Protection against Domestic Violence/Repeat Violence: If a respondent has been served with a copy of the injunction:

1. Officers may arrest without a warrant when there is probable cause to believe that the person has knowingly committed an act in violation of an injunction for protection against domestic violence (FSS 741.30) or repeat violence (FSS 784.046), which creates a threat of imminent danger to the petitioner or household members, over the objection of the petitioner, if necessary [FSS 901.15(6)]. This presumes that the respondent is at the scene, or is located in near proximity to the occurrence, and within a reasonable period of time.
2. Respondents arrested shall be charged with:
  - a. Violation of an Injunction against Domestic Violence - FSS 741.31;
  - b. Violation of an Injunction against Repeat Violence - FSS 901.15(8).
3. A law enforcement officer who acts in good faith, in any civil action, shall not be held liable for an arrest based upon probable cause, enforcement in good faith of a court order, or service of process in good faith arising from an alleged incident of domestic violence brought by a party to the incident (FSS 741.29). A law enforcement officer who acts in good faith and exercises due care in making an arrest is immune from civil liability that otherwise might result by reason of his/her action [FSS 901.15(7)(b)].
4. In some cases of a violation of injunction/restraining orders and/or domestic violence, extenuating circumstances may exist where an arrest without a warrant would not be reasonable. In such cases, officers should not make an arrest and shall clearly indicate on the police report the valid reasons for not arresting the alleged perpetrator. A supervisor should be consulted and the on-call assistant State Attorney and/or legal advisor is available for recommendations.

I. Procedures for Departmental Personnel Involved in Domestic Violence:

The provisions of this article are intended to further the credibility of the department, and are to be in no way construed as creating a standard of response or investigation which automatically assumes guilt, penalizes, or exonerates department employees. When employees of the department are involved in a domestic situation the following will be required:[CFA15.09M(g)]

1. Incidents within SMPD jurisdiction:
  - a. The responding officer will initiate a preliminary investigation consistent with the above policy and mandates set forth by Florida State Statute governing domestic violence.
  - b. The responding officer will notify the on-duty supervisor and have him/her immediately respond to the scene. The responding supervisor will immediately notify the Internal Affairs Investigator and they in turn will notify the Chief of Police via chain of command.
  - c. The Internal Affairs Investigator will be requested to respond to the scene. Upon their arrival, they will assume criminal investigative responsibility for the case.
  - d. The Internal Affairs Investigator will coordinate all formal statements from witnesses and the victim on the scene.
  - e. The Internal Affairs Investigator will formally identify his/her investigative authority to the suspect employee and clearly inform the employee that a criminal investigation is being conducted. If the employee physically and knowingly waives his/her Miranda rights, the Internal Affairs Investigator, if possible, will take a statement.
  - f. In the event an arrest is made in accordance with mandates set forth by State Statute, the Chief of Police or his designee will be immediately notified.
  - g. All service weapons and ammunition issued by the Department will be turned over to the Internal Affairs Investigator.
  - h. The Internal Affairs Investigator will in turn advise the officer that if he or she possesses personal firearms or ammunition, they should be relinquished to a third party (i.e. attorney, local police agency, a friend, etc.) for safekeeping until the matter is resolved.
  - i. Internal Affairs will be responsible for making contact with the State Attorney's Office. Criminal disposition of the case will be the decision of the State Attorney's Office.
  - j. Internal Affairs will undertake a coordinated effort to ensure that the victim receives the appropriate medical attention, and sheltering referrals if necessary.
  - k. When a Domestic Violence related arrest is made of a law enforcement officer from another jurisdiction, the on-duty shift supervisor will notify the employing agency of the arrest, the specific charge, and the time of the arrest prior to the end of the shift.

2. Incidents outside of SMPD jurisdiction:
  - a. If the incident occurs outside of the City of South Miami jurisdiction, the employee will be responsible for notifying the shift supervisor or request that the investigating agency do so as soon as possible. The shift supervisor will immediately respond to the scene.
  - b. The responding supervisor will immediately notify the South Miami Police Department's Internal Affairs and have them respond to the scene.
  - c. Internal Affairs will be responsible for notifying the Chief of Police or his designee via chain of command.
  - d. Internal Affairs will be responsible for coordinating with the investigating agency of record to get copies of all of their documentation. They will also coordinate all formal statements from witnesses and the victim on the scene for the administrative investigation.
  
3. Administrative Investigation:
  - a. Employee(s) being the subject of an active criminal investigation of domestic violence may be immediately placed on administrative suspension pending the final disposition of the criminal and/or administrative investigation. They may also be temporarily reassigned to duties that do not require the use of a firearm, with approval of the Chief of Police.
  - b. If the employee is placed on administrative suspension, the Officer's badge, gun, and ID will be secured by the Internal Affairs Investigator and turned over to the Assistant Chief or his designee.
  - c. If the employee was arrested, the administrative investigation will be initiated once the criminal investigation has been completed and filed with the State Attorney's Office.
  - d. Mandatory Reporting: If any employee of the South Miami Police Department has knowledge of an on-going domestic violence situation involving another employee of the South Miami Police Department, the incident will be reported to the employee's immediate supervisor, who will notify his/her, chain of command.
    - (1) The domestic violence incident will be reported through the chain of command to the Chief of Police, and then to Internal Affairs.
    - (2) Internal Affairs will initiate a formal investigation.
  - e. If the subject officer is the Internal Affairs Investigator, the investigation and removal of weapon, badge, and ID will be performed by the Assistant Chief. If the subject officer is a Assistant Chief or the Chief of Police, the weapon, badge, and ID will be turned over to the Services Division supervisor.

4. Domestic Violence Injunctions against Departmental Employees:
  - a. It is the policy of the South Miami Police Department that officers under a domestic violence injunction will only be allowed to possess departmentally issued firearms while in the official capacity of a law enforcement officer while on duty.
  - b. Upon receipt of a Domestic Violence Injunction, the officer will be required to report to the Office of the Chief of Police by 0900 hours on the day following service to bring all Department issued firearm(s). Internal Affairs will advise the officer that if he or she possesses personal firearms or ammunition, they should be relinquished to a third party (i.e. attorney, local police agency, a friend. etc.) for safekeeping until the matter is resolved.
  - c. The Assistant Chief or his designee will be responsible for securing the officer's firearm(s) in the gun safe located in the Police Station.
  - d. At the beginning of each shift, the officer will retrieve his/her Department issued firearm(s) from an on-duty Patrol Supervisor and sign it out on the equipment log.
  - e. At the end of each shift, the officer will return his/her firearm(s) to the on-duty Patrol Supervisor who will sign it back in and secure it.
  - f. Officers will not wear their police uniforms while traveling to and from the South Miami Police Department facility unarmed; accordingly, they will not drive marked cars home.
  - g. Sworn personnel may not purchase firearms when they are the subject of a domestic violence injunction.
  - h. Sworn personnel violating a domestic violence injunction will be in violation of the South Miami Police Department's policies, which could include disciplinary action up to and including dismissal, along with the possibility of criminal prosecution.

#### **J. Mobile Operations Victim Emergency Services M.O.V.E.S.**

The program has domestic paralegals on call that will interview the victim, witnesses and officers. The paralegals would perform all initial case preparation including sworn statements, take photographs of victim, assess victim's needs (Crime compensation, shelters, restraining orders...) and assess the risk of violence, placing special attention in victim's safety.

- A. When an officer makes an arrest for domestic Violence, the officer may utilize the State Attorney's Office' M.O.V.E.S. program.
  1. The officer contacts either their department's " Front Desk " to have the assigned M.O.V.E.S. paralegal notified via pager or pages the paralegal directly. The following information will be required from the officer before responding:

- a) Does the victim and / or witness speak a language other than English?
  - b) What are the arrest charges?
  - c) Minor victims?
  - d) Synopsis of incident.
2. A M.O.V.E.S. paralegal will respond to your station, hospital, arrest scene when escorted by an officer to conduct a Profile Conference (PFC).
- a) The officer will be responsible for ensuring the victim and / or witness(es) respond to the station. If the victim and witnesses have their own transportation, they should be advised to meet the officer at the station. If the victim is transported to a hospital or medical facility, the officer will transport all other witnesses to PFC site and inform the M.O.V.E.S. paralegal of the victim's location and condition.
  - b) The officer will be the first person prefiled if they provide the paralegal with a copy of the Arrest Affidavit (A-Form), Offense Incident Report, and Domestic Violence Supplemental Report. Please provide copies of written statements and photographs if applicable.
3. All transportation required of the victim and/or witnesses after the PFC will be handled by the M.O.V.E.S. paralegal.
4. Contact M.O.V.E.S. if the victim refuses to cooperate. In the event the victim refuses to respond back to the police station, the M.O.V.E.S. paralegal should speak to the victim via phone. The officer will provide the paralegal with victim's phone number to initiate the contact.
5. M.O.V.E.S. should be contacted in all domestic felonies and misdemeanor arrests, with the exemption of the following arrest charges:
- a) Kidnapping (1st degree)
  - b) Burglary w/ assault
  - c) Burglary w/ battery (1st degree)
  - d) Armed Robbery (1st degree)
  - e) Armed Carjacking (1st degree)
  - f) 2nd Degree Murder
  - g) Attempted 2nd Degree Murder
  - h) Tampering w/victim or witness as the only charge
  - i) Aggravated Child Abuse
  - j) Child Neglect
  - k) Sexual Battery

- l) Elderly Neglect
- m) Elderly Exploitation

M.O.V.E.S. should not be contacted if the defendant is a juvenile, public official, police officer, or State Attorney's Office employee. M.O.V.E.S. should not be contacted if the victim is a State Attorney's office employee and also if the case is a cross arrest case.

### **18.2.10 Elder Abuse, Neglect, or Exploitation**

The purpose of this policy is to abide by the spirit as well as the letter of the law in enforcing those Florida State Statutes provided to protect elder victims, bring perpetrators of elder abuse, neglect, and exploitation under the control of the criminal justice system, and reduce repeated police response.

This department has adopted a proactive arrest policy with respect to incidents of elder abuse, neglect, and exploitation. In addition, the department is committed to addressing elder issues and protecting older persons in cases of self neglect. **Sworn officers of this department are mandatory reporters under Chapter 415 FSS.**

Ch. 415.1034 Mandatory reporting of abuse, neglect, or exploitation of vulnerable adults; mandatory reports of death states: "(1) MANDATORY REPORTING.-- (a) Any person, including, but not limited to, any: 5. State, county, or municipal criminal justice employee or law enforcement officer; who knows, or has reasonable cause to suspect, that a vulnerable adult has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse hotline."

Ch. 415.111 Criminal penalties, states "(1) **A person who knowingly and willfully fails to report a case of known or suspected abuse, neglect, or exploitation of a vulnerable adult, or who knowingly and willfully prevents another person from doing so, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.**"

Upon arriving at a welfare check, domestic disturbance, exploitation involving an elder, abuse involving an elder, theft, burglary, robbery, assault, or sexual assault involving an elder, or a case of suspected neglect or self neglect involving an elder, responding officers shall make an initial assessment of the situation, and gather information and determine whether an arrestable offense has been committed, and the officers shall evaluate the complaint to determine whether there is probable cause for arrest.

Officers shall consult with their supervisor to determine if they should request the on or off duty CID Detective to respond. A CID Detective will be notified for call-out for any Elder Abuse case involving a sexual battery, arson, robbery, shooting, stabbing, or homicide, as well as a Miami-Dade Police Department Homicide Investigator (if applicable).

- A. Officers who self-initiate or are assigned to investigate alleged incidents of elder abuse, neglect, or exploitation **will**:
1. Assist the victim to obtain medical treatment if necessary.
  2. Advise the victim of the services available.
  3. Photographically document all alleged injuries; ensure that a full body photograph of the victim is taken. Serious incidents may necessitate the response of a CID Detective. Pictures taken of females showing injuries to the breasts or genital areas shall only be taken by female officers or if there are none available, outside police department female officers.
  4. Determine if the elder person is suffering the infirmities of aging.
  5. Determine if the elder person lacks capacity to consent.
  6. Ensure that both the elder abuse mandates under Chapter 825 FSS, and the domestic violence mandates under Chapter 827 FSS are met, if the situation conforms to both domestic violence and elder abuse under the law.
  7. Complete and FAX a report to the Florida Abuse Hotline (1-800-914-0004), pursuant to Chapter 415 FSS. The Officer shall then contact the Hotline number (1-800-96-ABUSE).
  8. Abuse or neglect involving an Assisted Living Facility (ALF) or nursing home shall be reported to the Agency for Health Care Administration (AHCA) at (1-850-488-8194 or 305-499-2165). A notation in the report will indicate that the report has been faxed, and the call made, and the time.
  9. If an officer makes an arrest, and the victim meets the definition of an “older person”, or “elder”, or a disabled person of 18 years of age or older, as defined by Chapter 825 FSS, and depending on the offense, the officer should charge one or more of the following, when applicable:
    - a. Elder Abuse (under Chapter 825 FSS);
    - b. Elder Neglect (under Chapter 825 FSS);
    - c. Elder Exploitation (under Chapter 825 FSS).
    - d. Additionally, under applicable statutes:
      - (1) Sexual Battery
      - (2) Domestic Violence / Battery
      - (3) Aggravated Battery
      - (4) Aggravated Assault
      - (5) Unlawful kidnapping
      - (6) Attempted Murder

- B. Arrest Affidavit and Necessary Forms: Officers shall ensure that the A-Form(s) is complete and that all the elements of the Elder Abuse crime are articulated. In the event that the victim meets the statutory definition of an elder person or disabled adult under chapter 825 FSS, the officer shall charge the felony under that chapter for elder abuse related offenses.
1. Every reasonable effort WILL be made to safeguard the older person; the Miami-Dade Fire/Rescue Department will be called in the event that the older person (or disabled person) needs medical attention.
- C. Elder Abuse Incidents Reporting Requirements: all elder involved incidents that do not present probable cause to arrest shall be reported using a regular incident report. All elder involved crimes shall be reported using regular offense report. Under no circumstances will a dispatched call receive a classification of “no report. The following information shall be included in the report (if applicable):
1. Document the investigation and the arrest if one is made. Report every substantial act performed in the investigation and any evidence gathered.
  2. Document any "excited utterances" spoken by the victim in the report. An excited utterance is a spontaneous statement relating to a startling event or condition made while the victim was under the stress or excitement caused by the event or condition. The "excited utterance" exception to the hearsay rule will permit the officer to testify as to what the victim said whether or not she/he is available to testify in court.
  3. Describe any physical injuries to the victim and have same photographed.
  4. If no arrest is made, state the reason(s). In all cases of elder abuse, neglect, or exploitation, or domestic battery or other domestic related violence to a person defined in Chapter 825 FSS, when no arrest is made, the report must reflect the reason that no arrest has been made. Failure to make a probable cause arrest may result in civil liability for the non-arresting officer and agency. Florida State Statute 901.15(7)(b) absolves the officer/agency of civil liability for arrests for domestic violence when the officer exercises due care and acts in good faith.
  5. Note all possible telephone numbers, where the victim can be reached.
  6. Obtain a written statement from the victim(s) and all reports made and attach them to the original report.
- D. Arrest with Probable Cause: An officer may arrest without a warrant when:

1. There is Probable Cause to believe that an act of domestic violence as defined in Chapter 827.04(2) FSS, or if the officer finds any evidence of bodily harm, or the officer has corroborating evidence based upon the statements of one or more eye-witnesses, and the officer reasonably believes that there is a risk of violence unless the person alleged to have committed the act of domestic violence is arrested.
  2. There is Probable Cause to believe that an act of Elder Abuse, Neglect, or Exploitation has occurred, and if the abuse is to an older person (60 years of age) or disabled adult, or if the officer finds any evidence of bodily harm or the officer has corroborating evidence based upon the statements of one or more eye-witnesses and the act of Elder Abuse, Neglect, or Exploitation has occurred as defined under Chapter 825 FSS.
  3. The desire of the victim concerning an arrest, prosecution, or the making of a formal complaint against the offender need not have any influence concerning the actions of the officer. If a lawful arrest can be made, the offender will be arrested and charged with a felony act of Elder Abuse, Neglect, or Exploitation as defined under Chapter 825 FSS.
- E. A victim may qualify for compensation for any medical and dental bills incurred as a result of the crime. Lost wages or disability benefits may also be compensated.

In addition to medical, dental, mental health counseling, loss of wages, relocation, disability and funeral expenses if victim is 60 years of age or over, or a person with a disability they may qualify for property loss reimbursement if there is a tangible loss. Most importantly they may qualify for trauma resolution, which can help them in a relatively short amount of time recover from the effects of the trauma.

A Victim Compensation Claim Form may be obtained through the Office of the Attorney General, in either English or in Spanish. Victims may be referred to the Office of the Attorney General, The Capitol, PL-01, Tallahassee, FL, 32399-1050, or by telephone, 850-414-3300, or by FAX, 850-487-1595, or via internet, <http://myfloridalegal.com>.

### **18.2.11 Missing Persons**

It is the policy of South Miami Police Department to promptly respond and thoroughly investigate all self-initiated cases or reports of missing persons. In addition, this agency considers every child reported missing to be “at risk” until significant information to the contrary is confirmed. [CFA15.12M(a)]

Once an officer responds to the scene and ensures that the person or child is indeed missing, a report will be generated on an offense Incident Report. A search will be attempted based on what information is available on the missing person and the places they frequent. If not

located, the person will be entered into NCIC/FCIC and NamUS, within two hours of receipt of the report. A detective will be assigned to the case if the person is not immediately located and if it deals with a child or otherwise endangered person the appropriate Amber Alert, Silver Alert, and/or BOLO to other agencies will be made. In cases of abductions, the marshalling of assistance from other agencies is available. The case will be investigated and when possible dental records/and/or other biological identifier will be entered into the database. The case will remain open until the detective learns of the recovery of the missing person. Once the person has been located, the detective should ascertain whether appropriate referrals are needed to social agencies if it involves endangered persons, in order to try and avoid further incidents where the person goes missing. [CFA15.12M(c)]

Missing Child: A Missing Child is a person under 18 years of age whose whereabouts are unknown to a parent, guardian, or responsible party. There are several different classifications of missing children, such as:

1. Non-family abduction: A child is taken by an unknown individual, through force or persuasion, usually in the furtherance of additional victimization.
2. Family abduction: A non-custodial family member flees with a child usually in direct violation of a court ordered custody arrangement.
3. Runaway child: Most often a teenager who leaves home voluntarily for a variety of reasons.
4. Lost or otherwise missing child: A child who becomes separated from parents or caretaker under circumstances not indicating the likelihood of an abduction or voluntary absence.
5. Thrown-away: A child whose caretaker makes no effort to recover the child who has run away, or who has been abandoned or deserted.
6. Unusual Circumstances: Any person who is missing and believed to be:
  - a. Mentally diminished;
  - b. Drug dependent;
  - c. A potential victim of foul play;
  - d. In a life threatening situation;
  - e. With individuals who could endanger his or her welfare; or
  - f. Was absent under circumstances inconsistent with established patterns of behavior or whose disappearance involves circumstances that would cause a reasonable person to believe that foul play is involved.
1. At Risk Child: Any child under the age of 14 (This age was established by the Federal Missing Children Assistance Act, because children of this age group have not established independence from parental control and do not have the survival skills

necessary to protect themselves from exploitation on the streets) or believed to be one or more of the following:

- a. Mentally diminished;
- b. Drug dependent;
- c. A potential victim of foul play or sexual exploitation;
- d. In a life threatening situation;
- e. With adults who could endanger his or her welfare; or
- f. Was absent under circumstances inconsistent with established patterns of behavior or whose disappearance involves circumstances that would cause a reasonable person to conclude that the child should be considered 'at risk'.

A. MISSING CHILD RESPONSE PLAN: The South Miami Police Department will immediately respond to all Missing Child calls and initiate the Missing Child Response Plan. The call taker and responding units will gather sufficient information, determine what occurred, assess the particulars, and quickly release BOLO information. Officers shall confirm all information and treat the disappearance as an abduction, until information is developed to suggest otherwise. It is far better to err on the side of caution, than not take action.

1. **CALL TAKER**: Determine if circumstances of the report meet the definition of a missing child as described above. If it does, immediately dispatch an officer to the scene and notify the supervisor on duty. Transmit the appropriate radio alerts and other notifications. Thoroughly document all information received and safeguard all records.
2. **FIRST RESPONDER**: Immediately respond to the location and begin to interview the parent(s) or person who is making the initial report. Gather a detailed description of the missing child and what had occurred. **During this portion of the investigation, nothing should be assumed and everything should be verified.** The initial assessment should include:
  - a. Verify if the child is in fact missing.
  - b. Witnesses' accounts of the incident.
  - c. The victim's age.
  - d. Activity the child was engaged in when last seen.
  - e. History of previous disappearances, or prior incidents with the family, if any.
  - f. Confirm the child's custody status.
  - g. Identify and secure the child's comfort zones as potential crime scenes or sources of relevant evidence.
  - h. Obtain a recent picture.
3. **SECURE THE SCENE**: This detail is extremely important. Do not hesitate to make the scene as large as necessary, as it is easier to reduce the size of the crime scene than to later try to increase it.

4. A Missing Persons Report shall be written for all missing children (under 18) or disabled adults. When a person 18 years of age or older is reported missing and unusual circumstances are evident, a written report will be mandatory. When a missing persons report is written, SMPD communications personnel will make an NCIC/FCIC and NamUS entry. The following information must be secured:
  - a. DOES THE MISSING PERSON HAVE A DISABILITY? A person of any age who is missing and suffers a physical/mental disability or is senile, thereby subjecting him or herself or others to personal and immediate danger.
  - b. WAS THE MISSING PERSON ENDANGERED? A person of any age who is missing under circumstances indicating that his or her physical safety may be in danger. Specifically, a child under the age of 14 and the child is out of his/her comfort zone.
  - c. WAS THE PERSON INVOLUNTARILY REMOVED? A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary (i.e. kidnapping or abduction).
  - d. WAS THE PERSON A JUVENILE? A person younger than the age of 18 who is missing and does not meet any of the entry criteria set forth in the other categories. Some examples are; a 17-year-old who is out past her/his curfew or a 15-year-old who is lost at a shopping center.
  - e. WAS THE PERSON A CATASTROPHE VICTIM? A person of any age who is missing after a catastrophe.

B. SUPERVISORY RESPONSIBILITIES: Upon arrival, obtain a briefing from the first responder(s). Determine if additional personnel and resources are needed to assist in the investigation.

1. If the child is not immediately located, contact on-call detective, and follow notification protocol. Also ensure that the reporting officer contacts the Communications Division to make the appropriate entries into NCIC/FCIC and NamUS within two hours of the receipt of the report. [CFA15.12M(b)] Additionally, determine if the case meets the AMBER Alert System's criteria for triggering an alert, such as:
  - a. Confirm that a child has been abducted;
  - b. The circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm or death; and
  - c. There is enough descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help.

Note: *The National Child Search Assistance Act of 1990 mandates law enforcement's immediate response to reports of missing children, and the prompt entry of descriptive information into the NCIC Missing Person Database.*

2. Notify the following organizations after all alert information is put together:
  - a. FDLE's Missing Children Information Clearinghouse (MCIC) at **1-888-356-4774**. FDLE's EOC will prepare the information using the approved format. They will activate the **Emergency Alert System (EAS)** and inform the appropriate law enforcement agencies in the affected areas and also send the information to radio and television stations to be broadcasted to millions of listeners.
  - b. If the incident is a child abduction or kidnapping, immediately notify the FBI at **305-944-9101**.
  - c. The National Center for Missing and Exploited Children (NCMEC) at **1-800-843-5678** will also be able to provide assistance or advice on any missing child issue. They are a 24/7 operation and very knowledgeable and helpful in these cases.

C. RECOVERY AND CLOSURE OF A MISSING PERSON CASE: The officer assigned to the recovery or return of a missing person will conduct a personnel verification to ensure that the person is in good health and verify that the person recovered is, in fact, the one reported missing.

1. If necessary, make arrangements for intervention services;
2. Complete all supplemental reports and cancel all outstanding FCIC/ NCIC and NamUS notifications.
3. If other agencies are involved, obtain all related reports and file under the assigned case number.

D. THE DETECTIVE: Will immediately respond to the location and evaluate the need for crime scene processing. Upon arrival, the detective will verify all information needed to conduct the investigation. Confirm that all required agencies and personnel have been notified and evaluate the need for additional resources or special services. Further follow-up activity will include:

1. Conduct a neighborhood canvass.
2. Record the names of everyone present at the scene and question them separately.
3. Evaluate the need for assistance by other agencies such as: the FBI, Miami-Dade Police Department's Missing Person Detail, or adjoining agencies.
4. Obtain a brief history of recent family dynamics.
5. Explore the basis for conflicting information; and

6. Implement effective case management.
- E. Missing Person Calls (Not a Child): A missing person report will be initiated and SMPD communications officers will make an NCIC/FCIC and NamUS entry on any person 18 years of age or older reported missing under unusual circumstances.
1. One or more of the following circumstances must exist to report an adult missing:
    - a. Evidence of abduction.
    - b. Criminal or suspected foul play.
    - c. Elderly Person as defined in F.S. 825.101.
    - d. Mentally challenged, suicidal tendencies, or otherwise incompetent.
    - e. The need for urgent medical treatment; and/or
    - f. Drug or alcohol dependence/abuse.
  2. Officers will follow those procedures listed in Section 18.2.6 (A)(4), which apply to their investigation and reporting of a missing adult.
  3. Once the responding officer has gathered the information on the victim, he or she will request the dispatcher to broadcast a "BOLO" to surrounding agencies. The officer may do this over the radio in emergency situations, or by SMPD dispatch entering the information into the FCIC/NCIC and NamUS, in non-emergency situations. FCIC/NCIC and NamUS entries will be made within 2 hours.
  4. If the missing person is not located and the case is referred to the CID for follow-up, the detective assigned to investigate the case should make contact with the reporting person as soon as practical. This follow-up contact is to find out if the victim has returned, or if there is any additional information that might prove helpful to the detective. A check of local detention facilities and hospitals should be a portion of the immediate investigation.
  4. Once the case has been assigned to a detective, he or she may do an additional search of the location where the person was last seen to aid in the follow-up investigation.
  5. Upon locating a missing person, the officer/detective will immediately notify SMPD communications officers to remove the missing person's information from the appropriate criminal justice information system.
- F. All personnel should be aware that we have entered into an agreement with FDLE to participate in C.A.R.T (Child Abduction Response Team).
1. The purpose of C.A.R.T. is to provide immediate enhanced personnel resources (coordinated through FDLE) to agencies that are investigating a fresh case of a child abduction, kidnapping, or related violations. The South

Florida CART includes member agencies from Palm Beach, Broward, Miami-Dade and Monroe counties.

2. In the event of a South Miami case where a child has apparently been abducted and may be in danger, the Operations Bureau Captain should be immediately contacted to consider, upon consultation with the Chief, requesting that a CART activation be requested. If this occurs, the Captain will respond and coordinate the activities of the CART team with representatives of FDLE.
  3. In the event that there is CART activation in another jurisdiction, FDLE will be contacting the Operations Bureau Captain, who will consult with the Chief to determine the level of personnel resources that are available to respond. Responses will be in the “routine” mode unless otherwise authorized by the Operations Bureau Captain.
- G. The detective assigned to the case will attempt to obtain a biological specimen for DNA analysis within 90 days if the missing person has not been located. [CFA15.12M(f)] When a person has been reported missing and has not been located within 30 days, the detective assigned to the case will request the family or next of kin to provide written consent to contact the dentist of the missing person and request that person's dental records for inclusion in the NCIC Dental File. [CFA15.12M (e)]
- H. It will be the responsibility of the SMPD Communication supervisor or their designee to ensure that the entry of missing persons into the NCIC/FCIC and NamUS database is done for valid reasons and is properly cleared of closed cases in a timely fashion. Entry of new data to help identify the missing person will be entered when received. There will be a monthly review of each case and a determination of whether the case should be maintained in the database. [CFA15.12M(d)]

### **18.2.12 Mandatory Report Writing**

It is the policy of this department that when a police unit is dispatched on a call for police service, a report shall normally be completed. Reports must contain only facts. Conclusions or opinions of the police officer, unsubstantiated by facts, are improper and should not be included in reports. A sworn victim/witness statement shall be completed by the witness whenever possible; especially when the officer's opinion or conclusion is that the complainant or witnesses are not believable.

- A. A report shall be made when one or more of the following occur:
1. There is visible injury to the complainant or another.
  2. The offense was witnessed by a sober person.
  3. It is obvious that a crime was committed.

4. Victims and witnesses will be advised of their rights in accordance with state statute. (CFA 14.04)