

From: MPD Mailer
Sent: Wednesday, November 09, 2011 6:07 PM
Subject: Departmental Orders Reminder/Directive from Chief Manuel Orosa
Importance: High

All personnel are reminded of Departmental Order 1, Ch. 11.6.28.5 **Jurisdictional Authority:**

Prudent discretion is very important when taking law enforcement action of any kind, especially when off-duty and outside the City's jurisdiction. When outside the City's jurisdiction, your arrest powers are limited by the terms and conditions to the Mutual Aid Agreement governing concurrent jurisdiction with Dade County, Florida. Beyond the jurisdictional boundaries of Dade County, Florida, your arrest powers are generally limited to that of a civilian. Chapter 776 of the State of Florida Substantive Laws describes the statutory authorization one has in applying "use of force" in defense of person or others. Departmental Order 2, Chapter 6 titled: "Use of Force" further defines the application of "use of force" as directed by the Department.

For all other police powers, once you are outside the City's jurisdiction, those powers generally end. An exception is in "hot pursuit" under Chapter 901, Subsection 901.25 under the State of Florida Procedural Laws. Additionally, limited or delayed backup units and radio communication failures could impact on officer safety and effectiveness due to the distance from the City and other factors.

All sworn members are reminded to refer to the Departmental Orders, S.O.P.'s, Rules and Regulations, and other official memoranda when addressing any particular situation. Specifically for arrests, refer to Departmental Order 1, Chapter 11, Subsection 11.6.5.11.

Effective immediately, all sworn personnel are prohibited from conducting traffic stops of law enforcement vehicles without first obtaining confirmation that the law enforcement vehicle was involved in a felony offense. If the felony offense is deemed to have occurred as a result of the law enforcement vehicle's driving pattern or behavior (for example, fleeing an eluding a police officer), confirmation as to whether the driver of the law enforcement vehicle is not engaged in official business, shall be obtained via Inter-City police radio. If it is confirmed that the vehicle was involved in a felony offense, the sworn member wishing to initiate the stop shall, in any case, obtain approval (via police radio) from a commanding officer (lieutenant or above) prior to initiating the stop.

Whenever a sworn member finds it necessary to initiate a traffic stop of a law enforcement vehicle, he/she must first consider the officer safety implications of any such act. Sworn personnel must also ensure that any such traffic stop does not hamper the execution of the other officer and/or agency's official business.

Sworn personnel are also reminded that they are still free to obtain the law enforcement vehicle's license plate number and/or agency vehicle number and report the driver's alleged violation(s) of traffic laws to the appropriate law enforcement agency.

Any deviation from this directive shall result in disciplinary action.

Manuel Orosa
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