

POLICY 501.5	WARRANT ARREST	
	REVISED: 2/98, 11/07, 12/13, 07/15	RELATED POLICIES: 501.1, 501.2, 501.3, 501.4, 501.6, 501.7, 501.8, 501.9, 501.10
	CFA STANDARDS:	REVIEWED: 01/01, 11/07, 12/08, 05/10, 12/13, 07/15

A. WARRANT ARREST

Only sworn officers may execute arrest warrants. An officer who is notified that an active warrant/capias exists for a subject being detained will take every step reasonable to ensure that the match is correct before effecting the arrest. This can be accomplished through verification of supporting evidence such as height, weight, eye and hair color, scars, marks, tattoos or other unusual features. Driver's license, Social Security numbers or any other reasonable identifying factors may be considered.

1. Upon determining that the subject matches the warrant, the arrest will be made and proper F.C.I.C./N.C.I.C. notification will be completed through Teletype and documented in an offense report and probable cause affidavit.
2. The offense report and probable cause affidavit will contain those elements on which the officer made this verification determination.

B. SUBJECT INSIDE BUILDING OR RESIDENCE

1. When an officer has the legal right to be inside a building or residence, the officer will follow set guidelines as stated in section A.
2. Entry of building or residence to effect an arrest:
 - a. Among the many methods fugitives may employ to evade capture, concealment in a private building (without public access) or residence is a primary technique. An arrest warrant allows the search of such a private building or residence, but only under the following conditions;
 - (1). The arrest warrant must contain the name of the fugitive to be arrested and the exact address of the private building or residence in which the fugitive is believed to be concealing himself.
 - (2). The nature of the arrest warrant must be fully explained to person(s) having authority over the private building or residence as soon as it is deemed safe and practical by the serving officer.
 - (3). The search of a private building or residence will only be conducted when the charges are felony in nature and not misdemeanor.
 - (4). If forced entry is expected to execute the arrest, the SWAT Team will be utilized. It shall be the responsibility of the supervisor on scene to notify the SWAT Commander of the request (This does not necessarily apply to fresh pursuit or active shooter scenarios).

- b. When an investigation into the whereabouts of a fugitive requires the search of a residence or private building (without public access) not listed on the original arrest warrant, the officer shall;
 - (1). perform a diligent investigation to establish a reasonable belief that the fugitive actually resides at the new residence, or
 - (2). obtain a search warrant for the premises authorizing a search of the premises, or
 - (3). obtain consent from an individual authorized to provide consent (See Consent section below).
 - c. A diligent investigation includes, but is not limited to documenting the following;
 - (1). determining if the fugitive's vehicle(s) are consistently present at the residence,
 - (2). whether the fugitive is receiving mail at the residence,
 - (3). has the fugitive been seen entering and/or exiting the residence,
 - (4). have neighbors identified the fugitive as residing at the residence, etc.
3. Consent:
- a. If consent is given to enter a private residence or a restricted access area of a business location not listed on the arrest warrant (by a person with the authority to do so) for the purpose of executing an arrest warrant, an officer need not obtain a search warrant for such purpose. However, prior to any search, the officer will attempt to utilize the Department's "Consent to Search" form to verify and acknowledge that permission was obtained from the person in charge of the premises. The signed form will be submitted with the officer's completed offense report.
 - b. In the event verbal consent is given, but the person will not, or is unable to sign the "Consent to Search" form or if officer safety warrants an expedited verbal consent, a witness officer (if available) will be utilized to verify consent was obtained. The officer will document in the offense report the manner in which the consent was given and identify any witnesses who were present when consent was given.
 - c. Consent to enter either a residence or restricted business location can be withdrawn at any time and the scope of the search can be limited by a person with the authority to do so. In such cases, the officer shall cease the search and safely retreat and/or hold their position. If deemed necessary, a search warrant for the fugitive must be obtained unless consent is again received to re-enter the residence or restricted business location.

C. REPORTING AND DOCUMENTATION REQUIREMENTS

- 1. An offense report and probable cause affidavit will be generated any time an arrest warrant is executed.

2. The offense report shall document the person(s) of authority at a residence or restricted access business location at the time of the execution of an arrest warrant and that they were advised of the officer's legal authority to execute the warrant.
3. At the conclusion of an investigation resulting in the inability to locate the subject of an arrest warrant, the Broward County Sheriff's Office Warrant Narrative System notes will be updated by the investigating officer.

D. LEGAL GUIDELINES

Arrests by warrant, Florida Legal Guidelines:

1. The officer executing an arrest warrant need not have it in possession.
2. An arrest warrant may not be dismissed because of defect in form.