

# FLORENCE POLICE DEPARTMENT GENERAL ORDER

<b>Subject:</b> LEGALLY MANDATED AUTHORITY	<b>Procedure:</b> General Order 1.2.1 CALEA 1.2.1	<b>Total Pages:</b> 2
<b>Authorizing Signature:</b>  Original with Authorizing Signature on File	<b>Effective:</b> 01/01/2011 <input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> <b>Amended</b> <input type="checkbox"/> <b>Rescinds</b>	

**I. PURPOSE**

This written order defines the legally mandated authority and responsibilities vested in all sworn officers of the Florence Police Department.

**II. SCOPE**

This written order is applicable to all sworn officers of the Florence Police Department.

**III. RESPONSIBILITY**

It shall be the responsibility of all sworn personnel of the Florence Police Department to adhere to this directive as it applies to the legal authority granted a police officer.

**A. AUTHORITY:**

A law enforcement officer is a person trained according to the Alabama Peace Officer Standards and Training Commission guidelines. This person is then sworn to uphold the laws and Constitution of the United States, the State of Alabama, and the City of Florence.

1. Officers of the State of Alabama are sworn and bonded by a chief of police, a state official, mayor, judge, or the Governor of the State of Alabama.
2. Officers of the State of Alabama are given the power of arrest by Alabama State Code Title 15-10-1.

**B. TITLE 15-10-1:**

An arrest may be made under a warrant or without a warrant, by any sheriff or other officer acting as sheriff or his deputy, or by any constable, acting within their respective counties, or by any marshal, deputy marshal or policeman of any incorporated city or town within the limits of the county.

1. A police officer is sworn to enforce the law, and where definite violations of the law exist, there exists an obligation to act; however, the officer must always act within the parameters justifiable for the circumstances.
2. Enforcement of a particular statute requires that the officer determine that the necessary elements of the crime do exist; that there is

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sufficient probable cause to believe that an alleged individual(s) committed the offense; and, that the most appropriate action is taken. The seriousness of the offense may dictate which options are available to the police officer.

- a. Title 15-10-1 of the Alabama Code indicates under what circumstances an officer may arrest and detain a person found violating a law of this state.
- b. A police officer may elect to issue a citation rather than make a physical arrest and incarceration. A citation or a formal complaint must be made upon filing a misdemeanor charge.