

# JACKSONVILLE POLICE DEPARTMENT

Policy: 10-9  
Effective: 01-01-09  
Revised: 01-18-21

## STOP, ARREST, & SEARCH OF PERSONS

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**PURPOSE:** To direct the employees of this Department on the lawful limits of authority with respect to contacts with persons.

**POLICY:** The policy of this Department is to protect and serve the constitutional rights of all citizens when stopping, arresting or searching individuals while balancing the needs of law enforcement in solving crime for the protection of the community.

### **DEFINITIONS:**

- I. **PROBABLE CAUSE: (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- II. **PROBABLE CAUSE: (arrest):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.
- III. **REASONABLE GROUNDS:** As used in this policy, reasonable grounds shall have the same meaning as probable cause.
- IV. **REASONABLE SUSPICION (temporarily detain):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.
- V. **REASONABLE SUSPICION (frisk):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.
- VI. **FRISK (weapon):** A limited type of search where an officer may only conduct a search for weapons. With respect to a person such a search is limited to a pat-down of the subject's outer-clothing.
- VII. **STRIP SEARCH:** The removal or rearrangement of clothing that results in the exposure or observation of a portion of the genitals, the buttocks, or the breasts of a female.
- VIII. **CONSENSUAL CONTACT:** An interaction between an employee of law enforcement and the public that is voluntary in nature. The law enforcement employee has shown no authority that would cause a reasonable person to believe that they had no choice but to respond or comply with the officer's efforts. Under this type of contact an officer has no power to detain an individual who chooses not to participate in the contact.
- IX. **ARREST:** An arrest is the taking of a person into custody so that he may be held to answer for the alleged commission of a public offense.

- X. FRESH PURSUIT: Shall include fresh pursuit as defined by the common law and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony in this state. It shall also include the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing. Fresh pursuit as used here shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.
- XI. FURTIVE MOVEMENT: Done in a way that is intended to escape notice.
- XII. ORGANIZED MILITIA: A group of private citizens who train for military duty in order to be ready to defend their state or country in times of emergency. A militia is distinct from regular military forces, which are units of professional soldiers maintained both in war and peace by the federal government. The National Guard is an organized militia.

**PROCEDURES:**

I. CONSENSUAL CONTACT

- A. An officer may approach anyone and attempt a consensual contact.
- B. Officers are not required to have reasonable suspicion for this type of contact.
- C. Officers may not take any steps through words or conduct to stop the person's movement under this type of stop.
- D. A person cannot be compelled in any way to participate in the stop.

II. REASONABLE SUSPICION BASED STOPS/TERRY STOPS

- A. An officer who is aware of facts and circumstances that would lead a reasonable police officer to conclude that criminal activity is afoot, may stop a person, using reasonable force short of deadly force, and detain the person for a reasonable amount of time to investigate further.
- B. A law enforcement officer lawfully present in any place may, in the performance of his duties, stop and detain any person who he reasonably suspects is committing, has committed, or is about to commit:
  - 1. a felony, or
  - 2. a misdemeanor involving danger of forcible injury to persons or of appropriation of or damage to property, if such action is reasonably necessary either to obtain or verify the identification of the person or to determine the lawfulness of his conduct.
- C. An officer acting under this rule may require the person to remain in or near such place in the officer's presence for a period of not more than fifteen (15) minutes or for such time as is reasonable under the circumstances.
- D. At the end of such period the person detained shall be released without further restraint, or arrested and charged with an offense.

III. CONSENT TO SEARCH

- A. An officer may search a person without a warrant if given consent and it is given voluntarily and not obtained by force or threat.
- B. A search of an individual may be given by:
  - 1. The individual in question, or
  - 2. The individual and a parent, guardian, or a person *in loco parentis*, if the subject is under fourteen (14) years of age.