



POLICY & PROCEDURE

HOLMEN POLICE DEPARTMENT

SUBJECT: Police Authority and Discretion

Number: 1.1

SCOPE: ALL DEPARTMENT PERSONEL

ISSUED: 11/10/2013

REVIEWED: 11/10/2013

DISTRIBUTION: POLICY & PROCEDURE MANUAL

Purpose

The purpose of this policy is to define the legally mandated authority vested in sworn agency personnel and to provide guidelines and circumstances when sworn personnel should exercise alternatives to arrest and/or alternatives to pre-arraignment confinement.

Policy

All personnel, prior to assuming the position of police officer with the Holmen Police Department, are required to take an oath of office to enforce the law and to uphold the Constitution of the State of Wisconsin and the Constitution of the United States.

Discussion

Police officers of the Holmen Police Department, whether on duty or off duty, are expected to conduct themselves in accordance with statutory limitations, the Mission and Values Statement, the guidelines in this policy manual, supervisors' directions and in such a manner as would reflect favorably upon themselves, the Holmen Police Department and the profession of policing.

Definitions

Procedures

- A. Authority and Responsibility While on Duty
 1. Within village limits: While on duty within the village limits, Holmen police officers have the full authority granted Peace Officers by Wisconsin Statute 62.09(13), and broadened by Section 968.07, Wisconsin Statutes, and Holmen Ordinances
 2. With consideration of the situation at hand, officers are expected to take all steps necessary and consistent with their assignment to protect life and property and to enforce the ordinances of the Village of Holmen, Wisconsin Statutes and the law of the United States.
 3. Outside village limits (within state): While on duty, outside Holmen Village limits, officers have full authority for police matters pursuant to any mutual aid agreements (Section 66.313, Wisconsin Statutes) and for matters of direct concern to the Village of Holmen.

Section 175.40(6)(a) (WI Statutes) states that: A Peace Officer outside of his or her territorial jurisdiction may arrest a person or provide aid or assistance anywhere in the state if the criteria under subds. A to C are met:

- a. The officer is in uniform, on duty and on official business. If the officer is using a vehicle, that vehicle is a marked police vehicle.

- b. The officer is taking action that he or she would be authorized to take under the same circumstances in his or her territorial jurisdiction.
 - c. The officer is acting in response to any of the following:
 - 1. An emergency situation that poses a significant threat to life or of bodily harm.
 - 2. Acts that the officer believes, on reasonable grounds, constitute a felony.
 - d. The officer will notify the agency of jurisdiction and under normal circumstances, situations that require law enforcement action will be turned over to the responsible law enforcement agency.
 - 4. Out-of-state authority and responsibility: Peace officer powers of Holmen police offices do not extend beyond this state except as provided for in the Uniform Act on Fresh Pursuit. Officers who are outside the boundaries of this state on extradition, or other matters of direct concern to the Village of Holmen, are not to engage in police activities unless necessary in the performance of their duties as an agent of the Village, and then only after consideration of the tactical situation.
- B. Authority and Responsibility While Off-duty
 - 1. Under Wisconsin law, off-duty officers have the same peace officer authority granted on-duty officers.
 - 2. Officers who are not acting on matters of direct concern to the Village of Holmen are to defer to on-duty officers. Off-duty officers should then act only after consideration of the tactical situation.
- C. Discretion
 - 1. General Guidelines
 - a. Officers are expected to act in compliance with law, public safety, the expressed department goals and objectives, Mission and Value Statement, and in compliance with the Holmen Police Department Rules and Regulations and the Law Enforcement Code of Ethics. (Appendix A)
 - b. When confronted with situations involving non-serious conduct, (i.e. traffic and ordinance violations, etc.) officers do have the discretion to examine possible alternatives to arrest and confinement (e.g. warnings, referral, informal resolution, etc.).
 - 2. Specific Responsibilities
 - a. Officer enforcement action/discretion may be further regulated by specific policies or supervisory direction.
 - b. The severity of enforcement action, officer inaction or the decision to initiate contact enforcement must not be influenced by race, gender, cultural background, appearance, mental or physical impairment, sexual orientation, socioeconomic standing, educational background, ethnic background, religious belief or political affiliation.
 - c. Enforcement action must not be more severe than can be reasonably and objectively justified to further department goals and objectives.
 - d. Enforcement action or contact may not be extended unnecessarily for the purpose of delaying the release or inhibiting the free movement of a person.

Chief of Police
Shane Collins

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to service mankind; to safeguard lives and property; to protect the innocent against deception, the weak against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decision, with no compromise for crime and with relentless prosecution of criminals. I will enforce the law courteously and appropriately without fear of favor, malice or ill will, never employing unnecessary force of violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.