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|  | <b>KENOSHA POLICE DEPARTMENT</b>              |                       |           |                           |
|   | <b>POLICY AND PROCEDURE</b>                   |                       |           |                           |
|   | <b>1.13 Off Duty Conduct Powers of Arrest</b> |                       |           |                           |
| <b>Effective Date:</b>  | 1/9/2005                                      | <b>Revision Date:</b> | 7/26/2010 |                           |
| <b>Action:</b>  | Reviewed 03/13/2019                           |                       |           | <b>Number of pages:</b> 2 |

## I. PURPOSE

The purpose of this policy is to provide guidelines to police officers regarding acceptable criteria for affecting an off-duty arrest.

## II. POLICY

Off-duty officers are often faced with situations involving criminal conduct that they are neither equipped for, nor prepared to handle in the same manner, as if they were on-duty. This may lead to unnecessary injuries to off-duty officers and confusion for the on-duty officers arriving at the scene trying to correctly assess the situation.

In order to promote safety and efficiency, it is the policy of this police department to determine and regulate those situations and locations within which a sworn member is permitted to make an arrest while off-duty.

## III. DEFINITION

### A. Personally involved:

An officer is deemed personally involved when the off-duty officer, a family member, or a friend becomes engaged in a dispute with the person to be arrested. This does not apply to situations in which the police officer is a victim of crime or the officer is defending themselves or another person.

### B. Self-defense and defense of other:

Nothing in this policy shall be interpreted as an attempt to limit a person's ability to defend oneself or another person as provided by Wisconsin State statute 939.48 Self-defense and defense of others.

## IV. PROCEDURES

### A. Liability Protection

Officers of this agency have liability protection for the on- and off-duty performance of official duties. This protection does not extend to actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established policies of this department.

### B. Permitted Off-Duty Arrests

When off-duty and within the legal jurisdiction of this law enforcement agency, an officer may only make an arrest when:

1. The arresting officer is not personally involved in the incident underlying the arrest; and
2. There is an immediate need to prevent a crime or apprehend a suspect; and

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3. The crime would require a full custodial arrest; and
4. The arresting officer possesses appropriate police identification; and
5. The arresting officer is physically able and prepared to safely affect the arrest.

## C. Off-Duty Responsibilities

1. While off-duty, and within the legal jurisdiction of this law enforcement agency, the police officer has an obligation to report any suspected or observed criminal activities to on-duty authorities.
2. When an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures, specifically those policies in regards to use of force and arrest.
3. Any arrest made by an off-duty officer shall be reported without delay to the police department, and the prisoner shall be turned over to on-duty personnel.
4. An officer exercising the power of arrest will complete a report to document the incident and their actions and ensure that an on-duty Kenosha Police Department supervisor is notified of the incident.

## D. Prohibited Off-Duty Arrests

Officers of this agency may not make an off-duty arrest when:

1. The officer is personally involved in the incident underlying the arrest, such as circumstances arising from their own quarrels or those of their families;
2. The officer is engaged in off-duty employment of a non-police nature, and the officer's actions are only in furtherance of the interests of the private employer;
3. The arrest is made solely as enforcement of a minor traffic regulation;
4. The arrest is made for a minor violation or nuisance offense that does not require immediate action to prevent further disturbance or injury.
5. The incident is occurring outside of the City of Kenosha;
6. The officer has recently consumed alcoholic beverages, or is somehow otherwise impaired;
7. A custodial arrest would create a situation that the officer is not prepared to deal with and/or would jeopardize the safety of others.