



# POLICY & PROCEDURE

## STURGEON BAY POLICE DEPARTMENT

SUBJECT: **LAW ENFORCEMENT AUTHORITY**

NUMBER: 1.10

SCOPE: All Department Personnel

ISSUED: 12/21/2020

DISTRIBUTION: Policy & Procedure Manual

EFFECTIVE: 12/21/2020

REFERENCE: WI State Statute: Chapter 941;  
18 USC 926 B

RESCINDS

AMENDS

WILEAG 5<sup>TH</sup> EDITION

STANDARDS: 1.7.1, 1.7.2

INDEX AS: Constitutional Requirements  
Legal Authority

**PURPOSE:** The purpose of this Policy & Procedure is to define the legal authority to carry and use weapons by Sturgeon Bay Police Department personnel in the performance of their duties. The second purpose of this Policy & Procedure is to govern procedures for assuring compliance with all applicable constitutional requirements.

This Policy & Procedure consists of the following numbered sections:

I. LEGAL AUTHORITY

II. CONSTITUTIONAL REQUIREMENTS

I. LEGAL AUTHORITY

A. Sturgeon Bay Police Officers are authorized to carry and use weapons under the authority and powers granted to them by Wisconsin State Statutes and exemptions granted under Wis. Stats. Chapter 941. Officers may also carry a concealed weapon as authorized by 18 USC 926 B.

B. It is the policy of the Department to strictly regulate what firearms and ammunition officers are authorized to carry on-duty as primary firearms, back-up firearms, and as off-duty firearms. Only firearms and ammunition meeting Department-

authorized specifications, as established by this written directive, may be used by officers in law enforcement responsibilities both on and off duty, also refer to Policy & Procedure 12.01: Weapons and Ammunition.

- C. Further, it is the Department's policy that any firearm intended for use by an officer in the performance of their law enforcement duty be reviewed, inspected, and approved by a qualified weapons instructor, as established by the Chief of Police.

A record will be maintained for all firearms approved by the Department for official use; also refer to Policy & Procedure 12.01: Weapons and Ammunition.

- D. Only officers demonstrating proficiency in the use of a Department authorized firearm, including handguns, shotguns, and carbines/rifles, will be approved to carry such a firearm; also refer to Policy & Procedure 12.01: Weapons and Ammunition.

- E. Officers who will be authorized to carry any firearm will be issued copies of and instructed in the Department policies relating to the use of defensive action and firearms protocol before such authorization is given. The referenced issuance and instruction will be documented; also refer to Policy & Procedure 12.01: Weapons and Ammunition.

- F. An officer shall have written, departmental authorization for any firearm carried on-duty and must have the same authorization for any firearm carried off-duty by virtue of his/her position as a police officer. To obtain authorization to carry a specific firearm, an officer must first meet Department qualification standards.

- G. No Civilian Employee of the Department is authorized to have in their possession, a firearm of any kind, while in any agency building or any City of Sturgeon Bay vehicle. This includes civilian employees who have been issued a license to carry a firearm.

## II. CONSTITUTIONAL REQUIREMENTS

- A. Miranda Rights. A Department issued card describes these rights and a waiver to such rights. Rights are read to/by an arrestee when required, *particularly prior to any in-custody interrogations of a suspect/defendant*. Admissions or confessions given freely prior to receipt of Miranda are documented in detail. After voluntary admission, the officer will give him/her Miranda Rights. As stated in the Waiver, "...no promises or threats have been made...and no pressure or coercion...has been used."

- B. Right to Know. Every person has a right to know why s/he is arrested. If the charge is not evident to the person, the arresting officer will inform the arrestee why s/he is arrested within a reasonable time frame, and if the arrest is for a warrant, the officer will inform them of its contents.

C. Arraignment. Person jailed: county jail personnel with D.A. cooperation, routes prisoners through Intake Court on a daily basis; the same is true of Records notifying the city attorney and municipal court judge of persons held on City violations.

1. On weekends/holidays, 48hr judicial review procedures insure judicial decision as to whether a person is held/released are handled by a relief Circuit Court Liaison Officer.

D. Pretrial Publicity.

1. The right to privacy/freedom of information is carefully balanced to negate publicity that may prejudice trials.
2. Release of information is controlled by Policy & Procedure 10.03: Open Records.
3. Information released will be minimal, limited to facts of the incident without opinion/anticipated conclusions. No information is released that may jeopardize an ongoing investigation, witnesses or statements, victims, or deceased parties without next of kin notification.

Clinton Henry  
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 12/21/2020