POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **OFF-DUTY CONDUCT**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statute: 175.40

NUMBER: 1.23
ISSUED: 12/31/2025
EFFECTIVE: 12/31/2025
☐ RESCINDS
☐ AMENDS
WILEAG 6TH EDITION
STANDARDS: 1.6.1

PURPOSE: The purpose of this Policy & Procedure is to provide guidelines to officers of the Sturgeon Bay Police Department regarding acceptable criteria for affecting an off-duty arrest and other off-duty related conduct.

This Policy & Procedure consists of the following numbered sections:

I. DEFINITIONS

II. POLICY

III. PROCEDURE

I. DEFINITIONS

A. PERSONALLY INVOLVED*:* An officer is deemed personally involved where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with the person to be arrest or any other person connected with the incident. This does not apply to situations where the police officer is a crime victim.

II. POLICY

A. Off-duty officers are often faced with situations involving criminal conduct that they are neither equipped 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 those on-duty officers arriving at the scene trying to correctly assess the facts.

In order to promote safety and efficiency, it is the policy of the Sturgeon Bay Police Department to determine and regulate those situations and locations in which a sworn member is authorized to make an arrest while off duty.

III. PROCEDURES

A. The intent of this Policy & Procedure is that there is no alcohol in the officer's system when action is taken.

B. Authorized Off-Duty Arrests.

1. When off duty and within the legal authority of the Department, an officer may make an arrest only when all of the following occur:

   a) There is an immediate need to prevent a crime or apprehend a suspect;

   b) The crime would require an arrest;

   c) The arresting officer possesses police identification.

2. The legal authority for these actions are covered by State Statute and outlined in Policy & Procedure 1.07: Jurisdiction.

C. Off-Duty Responsibilities.

1. While off duty, when possible, an officer should report any suspected or observed criminal activities to on-duty authorities. When an officer is prohibited from taking off-duty enforcement actions under provisions of this Policy & Procedure, the officer should act as a trained observer and witness to the offense and should summon on-duty personnel as soon as reasonably possible. Where an arrest is necessary, the off-duty arresting officer should abide by all Department Policy & Procedures.

2. If taking action is reasonably necessary; the officer should call, or have someone else call 9-1-1 to request immediate assistance and inform any responding officers that an off-duty officer is on scene.

3. The off-duty officer should identify themselves as a Sturgeon Bay Police Officer loudly and clearly; but, follow all commands and instructions of responding officers.

D. Prohibitions of Off-Duty Arrests.

1. Despite the fact that an officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty officer generally should not attempt to make arrests or engage in other enforcement actions when the provisions of section III. A, B, & C of this policy are not met or when any of the following circumstances exist:

a) The officer is personally involved in the incident underlying the arrest.

b) The officer's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, non-prescription and prescription drugs, or other medication by a physical ailment or injury.

c) A uniformed police officer is readily available to deal with the incident.

d) The officer has consumed alcohol within 12 hours of the event precipitating the need for arrest or other law enforcement activity.

Clinton Henry
Chief of Police

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

Initial 12/31/2025