

Marquette University Police Department

B. ARREST WARRANT

A written order issued by a judge, magistrate or other proper authority that commands a law enforcement officer to place a person under arrest.

C. PROBABLE CAUSE

See policy 4.10 (Citizen Contacts and Search & Seizure)

D. CRIME

Defined by Wis. Stat. § 939.12 as conduct that is prohibited by state law and punishable by fine or imprisonment or both.

E. LAW ENFORCEMENT OFFICER

A person employed by Marquette University as part of the Marquette University Police Department who is responsible for detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances they are employed to enforce Wis. Stat. §165.85(2)(c).

F. ON-DUTY

Those hours the law enforcement officer is regularly scheduled to work as part of his/her normal hours of work, including authorized overtime hours.

G. PERSONALLY INVOLVED

A situation where the off-duty member, a family member, or friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected with the incident. This does not apply to situations where the off-duty member is a victim of a crime.

H. POLICE ACTION

For purposes of this policy, police action is lawful action which a member takes including, but not limited to, investigation, arrest, attempted arrest, use of force, rendering aid, and assistance.

I. DISCRETION

The ability to apply reason, based on intelligent, non-biased decisions, guided by professional values, to include the Code of Conduct, University and department policy and situational variables. This does not apply to offenses and violations in which the suspect, by law, must

- c. With belief on reasonable grounds that a felony warrant has been issued for the person's arrest in another state.

A Wisconsin law enforcement officer shall not arrest on a misdemeanor warrant issued from another state.

- d.

1. The seriousness and nature of the offense.
2. The potential that arrest will effectively resolve a conflict.
3. The availability of legal and administrative alternatives to arrest that would adequately resolve the conflict.
4. The likelihood that the citizen will be deterred from future violations by warning and education.
5. The member's belief that the citizen made an honest mistake in violation of the law.

B. Members shall not consider race, economic status, ethnicity, gender, or any other social status to determine the decision to arrest or not arrest.

4.2.35

ALTERNATIVES TO ARREST

Members have the authority to utilize arrest alternatives that include, but are not limited to:

A. Warn and advise: Members may advise by use of a verbal warning for matters related to traffic and city ordinance violations.

B. The use of citations in lieu of arrest for misdemeanor violations, when appropriate and when an arrest is not mandated by /F5 12 Tf1 0 0 1 184.58 570.94 T

2. The member is taking action that the member would be authorized to take under the same circumstances in Milwaukee County while on-duty.

B. Arrest Limitations

- 1.

Note: There have been a number of documented incidents of off-duty officers killed by on-duty officers who were unaware the individual was an off-duty officer.

3. The member shall be cooperative, provide all requested information to on duty personnel and remain on scene until released by on-duty personnel.

4.2.45 **LIABILITY PROTECTION**

For purposes of civil and criminal liability, any member, whether on-

regarding the crime for which the arrest was made, for any other crime, or by any other law enforcement agency unless:

- a. An attorney representing the arrestee is present during questioning.
- b. The arrestee voluntarily initiates a further interview.
- c. The arrestee has been subject to a break in custody of 14 days or more.

4.2.55 **DEPARTMENTAL NOTIFICATIONS**

- A. As soon as practicable, any member taking on-duty police action outside of the Marquette University Designated Patrol Zone under Wis. Stat. § 175.40(6) shall notify his/her shift commander of the details and facts of the action.
- B. As soon as practicable, any member taking police action under Wis. Stat. § 175.40(6m), whether inside or outside the Marquette University Designated Patrol Zone, shall notify his/her shift commander of the details and facts of the action. If the off-duty action occurred within the city of Milwaukee, a supervisor shall respond to the scene.

4.2.60 **PRISONER PICKUP IN ADJACENT COUNTIES**

When the department is notified that authorities in adjacent counties are holding a person on a state warrant, which the department has entered into the National Crime Information Center (NCIC) System, the shift commander shall notify the Communications Information Center to arrange for the conveyance and processing of that person. The conveyance shall be made utilizing a vehicle equipped with a security shield.

4.2.65 **NOTIFICATIONS TO OUTSIDE JURISDICTIONS**

Members conducting investigations that require contact with persons in other jurisdictions shall, whenever possible, notify that law enforcement agency of the nature, purpose, and location of the investigation prior to conducting the investigation. In all instances, notifications of investigations conducted, arrests or other actions made, both on and off-duty, shall be made to the law enforcement agency of the jurisdiction in which the activity occurred as soon as practical. Notification information should include:

- A. The nature of the offense which precipitated the investigation, arrest or action.
- B. The identity of any person(s) arrested.
- C. The identity of all department members involved in the actual investigation, arrest or action if requested.
- D. Any factual data pertinent to the incident which would be significant information to the jurisdictional agency, such as any injuries to any persons or damage to any property as a result of activities related to the arrest.
- E. Any requests for resources or coordinated activity essential to conduct the investigation or arrest.

4.2.70

NOTIFICATION TO OTHER FACILITIES

Members conducting investigations in facilities such as hospitals, schools, or any facility with private security on the premises shall, whenever possible, notify the security department of the investigation prior to conducting the investigation. In all instances, notifications of investigations conducted, arrests or other actions made, both on and off-duty, shall be made to the security department of the facility as soon as practicable.