



ROCKFORD POLICE DEPARTMENT GENERAL ORDER

NUMBER: 1.05

TITLE: Legally Mandated Authority and Responsibilities

SERIES NUMBER: 1

SERIES TITLE / SUBJECT: Law Enforcement Role, Responsibilities, and Relationship

TOPICS/ REFERENCE: Authority, Arrest, Jurisdiction

APPENDICIES: None

ORIGINAL EFFECTIVE / ISSUE DATE: June 18, 2008

DATE OF LAST REVISION: March 31, 2015

THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RECINDED

CALEA STANDARDS: 1.2.1 - 1.2.2 - 1.2.3

Policy:

The Department is committed to improving the quality of life in the community by creating a partnership with citizens and all relevant public and private agencies, and identifying, attacking, and successfully solving problems that are generating the menace of crimes, disorders and fears. While exercising their authority, officers must be vigilant to maintain the respect for individual rights and human dignity of all citizens.

Purpose:

The purpose of this General Order is to define the legal basis by which authority is vested in the Chief of Police and the Police Officers and to establish guidelines to be used in exercising that authority.

These guidelines are not meant to be all-inclusive, since each incident must be dealt with on an individual basis, but are intended as broad guidelines to assist the employees and supervisors involved.

This General Order is comprised of the following numbered sections:

- I. DEFINITIONS
- II. LEGALLY MANDATED AUTHORITY AND RESPONSIBILITIES
- III. IDENTIFICATION RESPONSIBILITIES
- IV. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS
- V. EFFECTIVE DATE
- VI. REVIEWS, REVISIONS AND CANCELLATIONS

- I. Definitions:
- A. Hot / Fresh Pursuit: The immediate pursuit of a person who is attempting to avoid arrest.
 - B. Sworn Officer: Any police officer of a local governmental agency who is primarily responsible for prevention or detection of crime and the enforcement of the criminal code, traffic, or highway laws of this State or any political subdivision of this State. For the purpose of this directive, the term "sworn officer" refers only to all ranks of police officers with the authority to make a full custody arrest.
 - C. Identification Cards -- issued by the Rockford Police Department to identify the holder as a City of Rockford Police Department employee.
- II. Legally Mandated Authority And Responsibilities: (CALEA 1.2.1)
- A. The Municipal Code, *65 ILCS 5/11-1-1* (et seq.), grants authority to municipalities to pass and enforce all necessary police ordinances.
 - B. Section *13-19* (et seq.) of the Code of Ordinances of the City of Rockford creates and empowers the Rockford Police Department. The general supervision and operation of the Rockford Police Department is delegated to the Chief of Police. While on duty, inside the city limits, sworn officers, who are certified by the Illinois Law Enforcement Training Standards Board, have the full authority granted peace officers by Illinois Statute and City of Rockford ordinance, including:
 - 1. The authority to serve search warrants and conduct searches as described in General Order *1.13 - Search and Seizure*.
 - 2. The authority to make arrests without a warrant and serve arrest warrants as described in General Order *1.15 - Arrests and Alternatives to Arrest*, and the Illinois Compiled Statutes *65 ILCS 5/3.1-15-25*, *725 ILCS 5/107-2* and *725 ILCS 225/14*.
 - 3. The authority to apply discretion in decisions to arrest and utilize alternatives to arrest per applicable law and department policy as described in General Order *1.15 - Arrests and Alternatives to Arrest*.
 - 4. The authority, per Illinois Compiled Statute *720 ILCS 5/24-2*, to carry on or about their person, on duty or off-duty, a weapon to be used in performance of duties as authorized and described in this order or any other order of the Rockford Police Department. (CALEA 1.2.2)
 - D. While on duty, outside the city limits, sworn officers of the Rockford Police Department have the full authority granted peace officers by Illinois statute, but must also be aware of certain statutory provisions and Department guidelines affecting their authority to make arrests outside of the city.
 - 1. Sworn Officers, who possess a search warrant or arrest warrant, have the authority to execute the warrant anywhere within the State of Illinois per Illinois Compiled Statutes *725 ILCS 5/107-2*.
 - a. Prior to executing the warrant, the local law enforcement agency should, whenever feasible, be notified of the officer's presence within the jurisdiction.
 - 2. Sworn Officers have the authority to make an arrest based upon probable cause and without a warrant anywhere in Illinois when the officer is engaged in "hot or fresh pursuit" (*People v. Clark, 360 N.E. 2d 1160 {1977}*).
 - a. The local law enforcement agency should, whenever feasible, be notified of the officer's presence within the jurisdiction.

3. Sworn Officers have the full authority as peace officers in another municipality when fulfilling a mutual aid role as provided by Illinois Compiled Statutes *65 ILCS 5/1-4-8* and *65 ILCS 5/11-1-2-1*.
 4. Sworn Officers have the authority to make a warrantless arrest outside the city limits if the arrest would be valid if made by a private citizen (*Illinois Compiled Statutes 725 ILCS 5/107-3*).
 - a. When the incident is not of direct concern to the City of Rockford, officers should make a reasonable effort to bring about the appropriate action by the responsible law enforcement agency.
 5. Sworn Officers may be summoned outside the city limits to aid another law enforcement officer. Any person assisting a peace officer, under the authority of Illinois Compiled Statutes *725 ILCS 5/107-8* has the same powers of arrest as the peace officer being assisted.
- E. An officer, by virtue of their public employment, is vested by law with authority to maintain public order and to make lawful arrests even while off-duty. However, the following concerns should be considered prior to taking any action while off duty:
1. An off-duty officer faced with a situation involving criminal conduct is usually neither equipped nor prepared to handle a situation in the same manner as if they were on duty.
 2. An off-duty officer confronted with a situation involving criminal conduct should give consideration to notifying the responsible law enforcement agency to take appropriate action.
 3. In some cases, a given situation may call for immediate action by an officer.
 4. An off-duty officer should take action only after considering the tactical situation with regard to their own safety and the safety of others.
- F. Peace officer powers do not extend beyond Illinois. When a police matter involving the Rockford Police Department is outside the boundaries of the State of Illinois, the appropriate local law enforcement agency must, when feasible, be utilized for any enforcement action taken.
1. Off-duty sworn officers are authorized under 18 USC §926(B), The Law Enforcement Officers Safety Act of 2004 ("the Act"), to carry concealed firearms outside of the State of Illinois.
 - a. Sworn Officers are acting in the role of a private citizen when outside of the State of Illinois
 - b. It is the responsibility of the individual officer to determine the laws of the jurisdiction within which they choose to carry a concealed firearm.
- III. Identification Responsibilities:
- A. Identification cards will be provided to employees to promote official public recognition, confidence, and accountability.
1. The cards will contain the employee's photograph, name, rank (if applicable)(22.2.7b).
 - a. Officers not in uniform are required to have their Department issued photo ID card with them while on duty. Non-uniformed officers will show their Department issued photo ID card to any citizen who requests they provide proof of their identity. All officers

- are required to provide their full name and badge number to any citizen who requests it.
- b. A card need not be displayed when wearing a police uniform or otherwise displaying a badge.
- 2. The cards will differentiate between civilian and sworn employees, both in wording and design.
 - a. Civilian employees will receive identification cards that clearly depict their non-sworn status, which does not authorize any law enforcement powers.
 - b. Sworn employees will receive commission cards (2) as identification, which clearly depict their status, authorizing law enforcement powers.
 - a. Upon issuance of new cards, the old cards will become invalid.
- 3. Employees will have their Department issued identification card accessible to them while on duty and present the identification upon request with the following exceptions: (22.2.7a)
 - a. Employees have the discretion to delay the presentation of identification if doing so could compromise the safety of an employee or citizen.
 - b. Employees working undercover assignments are exempt from the requirement to carry or present identification.
- 4. Over the telephone, employees will verbally furnish their name and/or designated star number to any person requesting that information when they are on duty or while representing themselves as having an official capacity. (22.2.7c)
- 5. If an issued card is damage, lost, or stolen, the employee will submit an officer/civilian report to their supervisor explaining the circumstances.
 - a. The supervisor will arrange the replacement of the card(s).
- 6. Employees, other than retirees, that leave employment with the Department will relinquish any identification cards in their possession.
 - a. A copy of an employee's identification card will be placed in their personnel file and the originals shredded.
- 7. Identification cards are the property of the Rockford Police Department and must be relinquished by the cardholder upon demand.

IV. Compliance With Constitutional Requirements:

- A. During the course of a criminal investigation, officers will ensure that the constitutional rights of persons involved are not violated and shall follow the following procedures as set forth in the Illinois Compiled Statutes pertaining to constitutional requirements. Particular attention should be given to protect against:
 - 1. Coercion or involuntary confessions or admissions during interviews or interrogations;
 - 2. Failure to inform defendants of their rights, including access to counsel; (CALEA 1.2.3)
 - 3. Pretrial publicity tending to prejudice a fair trial, and;
 - 4. Delay in arraignment.

IV. Effective Date:

- A. The effective date of this Order is June 18, 2008.
- V. Reviews, Revisions and Cancellations:
- A. This General Order will be reviewed annually by the Administrative Services Bureau Lieutenant and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order *10.01 – Written Directives*.
 - B. This Order is a revision of and supercedes General Order *1.05 - Limits of Authority* issued November 3, 2005.
 - C. Any employee with suggestions for revision and / or improvements to this Order are encouraged to submit their ideas to the Commander of the Administrative Services Bureau.

BY ORDER OF

Chet Epperson

Chief of Police