

 ROCKFORD POLICE DEPARTMENT GENERAL ORDER - NUMBER 1.05 -		DISTRIBUTION SWORN PERSONNEL	PAGE 1 OF 4
ORDER TITLE LEGALLY MANDATED AUTHORITY AND RESPONSIBILITIES	SERIES NO. 1	SERIES TITLE / SUBJECT LAW ENFORCEMENT ROLE, RESPONSIBILITIES AND RELATIONSHIPS	
TOPICS / REFERENCE Authority, Arrest, Jurisdiction		APPENDICES None	
EFFECTIVE / ORIGINAL ISSUE DATE June 18, 2008	REISSUE / EFFECTIVE DATE February 12, 2010	EXPIRATION DATE This order remains in effect until revised or rescinded	
CALEA (5th Edition 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. **COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS**
- IV. **EFFECTIVE DATE**
- V. **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.

II. LEGALLY MANDATED AUTHORITY AND RESPONSIBILITIES

- 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 **21-1** (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.
- C. 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.
- 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. 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;
 - 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 each **February** by the **Accreditation Section** 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 **Deputy Chief of the Administrative Services Bureau**.

BY ORDER OF

Chet Epperson
Chief of Police