



# POLICY & PROCEDURE

## PORTAGE POLICE DEPARTMENT

SUBJECT: **LAW ENFORCEMENT OFFICERS  
BILL OF RIGHTS**

SCOPE: All Department Personnel  
DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statutes: Chapter 164

NUMBER: 1.18  
ISSUED: 07/16/2021  
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 RESCINDS  
 AMENDS  
WILEAG 5<sup>TH</sup> EDITION  
STANDARDS: 1.9.4

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PURPOSE: The purpose of this Policy & Procedure is to inform the Portage Police Department law enforcement personnel of their rights under Wisconsin State Statutes.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITION
- III. LAW ENFORCEMENT OFFICER RIGHTS

### I. POLICY

- A. It is the policy of the Portage Police Department to ensure that all department law enforcement personnel know and understand the Law Enforcement Officers Bill of Rights as enacted by Wisconsin State Statute, Chapter 164.

### II. DEFINITION

- A. Section 164.01: Definition. In Sections 164.015 to 164.05, "law enforcement officer" means any person employed by the state or by a city, village, town or county for the purpose of detecting and preventing crime and enforcing laws or ordinances, who is authorized to make arrests for violations of the laws or ordinances which he or she is employed to enforce.

### III. LAW ENFORCEMENT OFFICER RIGHTS

- A. Section 164.015: Engaging in Political Activity. No law enforcement officer may be prohibited from engaging in political activity when not on duty or not otherwise acting in an official capacity, or be denied the right to refrain from engaging in political activity.
- B. Section 164.02: Interrogation.
  - 1. If a law enforcement officer is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal or criminal charges, the interrogation shall comply with the following requirements:
    - a) The law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation.
    - b) At the request of any law enforcement officer under interrogation, he or she may be represented by a representative of his or her choice who, at the discretion of the officer, may be present at all times during the interrogation.
  - 2. Evidence obtained during the course of any interrogation not conducted in accordance with Subsection (1) may not be utilized in any subsequent disciplinary proceeding against the law enforcement officer.
- C. Sec.164.03 Recrimination. No law enforcement officer may be discharged, disciplined, demoted or denied promotion, transfer or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, by reason of the exercise of the rights under this Chapter.
- D. Sec.164.04 Rights not to be Diminished. The rights under this Chapter shall not be diminished or abridged by any ordinance or provision of any collective bargaining agreement. These rights may be supplemented and expanded by ordinance or collective bargaining agreement in any manner not inconsistent with this Chapter.
- E. Section 164.05: Applicability. Sections 164.01 to 164.04, Wis. Stats., apply only to law enforcement officers employed by a city, village, town, or county.
- F. Sec.164.06 Officers May Be Candidates.
  - 1. In this Section, "law enforcement officer" means any person employed by a city, village, town or county, other than a first class city or a county having a population of five hundred thousand (500,000) or more, for the purpose of detecting and preventing crime and enforcing laws or ordinances, who is authorized to make arrests for violations of the laws or ordinances which he or she is employed to enforce.

2. No city, village, town or county may prohibit a law enforcement officer from being a candidate for any elective public office, if that law enforcement officer is otherwise qualified to be a candidate. No law enforcement officer may be required, as a condition of being a candidate for any elective public office, to take a leave of absence during his or her candidacy.

This Section does not affect the authority of a city, village, town or county to regulate the conduct of a law enforcement officer while the law enforcement officer is on duty or otherwise acting in an official capacity.

Keith J. Klafke  
Chief of Police

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

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