



POLICY & PROCEDURE

PORTAGE POLICE DEPARTMENT

SUBJECT: **OFF-DUTY ACTION, POWERS OF ARREST**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statute: 175.40

NUMBER: 1.20

ISSUED: 09/22/2021

EFFECTIVE: 09/22/2021

RESCINDS

AMENDS

WILEAG 5TH EDITION

STANDARDS: 1.6.1

INDEX AS: Expander of Jurisdiction
Off Duty Action/Powers of Arrest

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

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 personal friend of the officer becomes engaged in a dispute or incident involving a personal matter with the person to be arrested 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 Portage Police Department to determine and regulate those situations and locations in which a sworn member is authorized to make an arrest or take action while off duty.

III. PROCEDURES

A. 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. Off duty officers need to recognize they do not have all the force options, safety equipment, radio, and other tools immediately available to them while on-duty. Officers need to evaluate if taking action is the best course or if being a truthful and reliable witness may be more appropriate.
2. If taking action is reasonably necessary; the officer should call, or have someone else call 9-1-1 as soon as possible 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 Portage Police Officer loudly and clearly; and follow all commands and instructions of responding officers.

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. 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.

Keith J. Klafke
Chief of Police

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

Initial 09/22/2021
Updated 03/12/2026