



# POLICY & PROCEDURE

## UW-GREEN BAY POLICE DEPARTMENT

SUBJECT: **LAW ENFORCEMENT AUTHORITY**

SCOPE: All Department Personnel  
DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statute: Chapter 941; 970.01,  
18 USC 926 B, UWS Chapter 18

NUMBER: 1.08  
ISSUED: 04/20/2023  
EFFECTIVE: 05/19/2023  
 RESCINDS  
 AMENDS 1.6.1, Rev.05/01/2022  
WILEAG 6<sup>TH</sup> EDITION  
STANDARDS: 1.7.1, 1.7.2

INDEX AS: Constitutional Requirements  
Legal Authority

PURPOSE: The purpose of this Policy & Procedure is to define the legal authority to carry and use weapons by UW-Green Bay Police Department personnel in the performance of their duties. The second purpose of this Policy & Procedure is to govern procedures for assuring compliance with all applicable constitutional requirements.

This Policy & Procedure consists of the following numbered sections:

- I. LEGAL AUTHORITY
- II. CONSTITUTIONAL REQUIREMENTS

### I. LEGAL AUTHORITY

- A. UW-Green Bay Police Officers are authorized to carry and use weapons under the authority and powers granted to them by Wisconsin State Statutes and exemptions granted under Wis. Stats. Chapter 941. Officers may also carry a concealed weapon as authorized by 18 USC 926 B.
- B. It is the policy of the Department to strictly regulate what firearms and ammunition officers are authorized to carry by virtue of their employment while on-duty as primary firearms, back-up firearms, and as off-duty firearms.

Only firearms and ammunition meeting Department-authorized specifications, as established by Policy and Procedure, may be used by officers for law enforcement responsibilities. This Policy & Procedure as well as Policy & Procedure 12.01: Weapons and Ammunition are directly relevant.

- C. Further, it is the Department's policy that any firearm intended for use by an officer in the performance of their law enforcement duty be reviewed, inspected, and approved by a qualified weapons instructor, as identified by the Chief of Police.

A record will be maintained for all firearms approved by the Department for official use; also refer to Policy & Procedure 12.01: Weapons and Ammunition.

- D. Only officers demonstrating proficiency in the use of a department authorized firearm, including both handguns and long guns, shall be approved to carry such a firearm on duty; also refer to Policy & Procedure 12.01: Weapons and Ammunition.

- E. Officers authorized to carry any firearm will be issued copies of and instructed in the Department policies relating to the use of defensive action and firearms protocol before such authorization is given. The referenced issuance and instruction will be documented; also refer to Policy & Procedure 12.01: Weapons and Ammunition.

- F. An officer must have departmental authorization for any firearm carried on-duty and must have the same authorization for any firearm carried off-duty by virtue of his/her position as a police officer. To obtain authorization to carry a specific firearm, an officer must first meet Department qualification standards.

- G. No civilian employee of the Department is authorized to have in their possession a firearm on university lands, unless they're in compliance with UWS Chapter 18.10. This includes civilian employees who have been issued a license to carry a firearm.

## II. CONSTITUTIONAL REQUIREMENTS

- A. Miranda Rights. A Department issued card describes these rights and a waiver to such rights. Rights are read to/by an arrestee when required, *particularly prior to any in-custody interrogations of a suspect/defendant*. Admissions or confessions given freely prior to receipt of Miranda are documented in detail. After voluntary admission, the officer will give him/her Miranda Rights, before any interrogative questions.

- B. Right to Know. Every person has a right to know why s/he is arrested. If the charge is not evident to the person, the arresting officer will inform the arrestee why s/he is arrested within a reasonable time frame, and if the arrest is for a warrant, the officer will inform them of its contents.

- C. Arraignment: When a person is incarcerated subsequent to a custodial arrest on the day of, or any day immediately preceding the courts operation, county jail personnel in cooperation with the District Attorney's Office, will route the

prisoner(s) through the Intake Court process.

1. On any day where an incarcerated subject will not see a judge within 24 hours, a CR-215 *Probable Cause Statement and Judicial Determination* form will be required to ensure the judicial decision as to whether a person is held/released is made and document those findings.

The transporting Officer is responsible for ensuring a CR-215 *Probable Cause Statement and Judicial Determination* form is completed and provided to jail staff at the time of incarceration.

2. Persons released are given a timely court date/time and projected bond/fine amount if available.
3. A supervisor may contact a D.A./judge on call for consultation and recommendations.

D. Pretrial Publicity.

1. The right to privacy/freedom of information is carefully balanced to negate publicity that may prejudice trials.
2. Release of information is controlled by Policy & Procedure 10.03: Open Records.
3. Information released will be minimal, limited to facts of the incident without opinion/anticipated conclusions. No information is released that may jeopardize an ongoing investigation, witnesses or statements, victims, or deceased parties without next of kin notification.



April 20, 2023

TONY DECKER, CHIEF OF POLICE

*This policy shall become effective either immediately upon my signature or on the Effective Date located on the first page, whichever is later. This Policy and Procedure shall be the standard and shall cancel and supersede all previous versions. Historical policies shall be maintained for no less than 7 years.*