

WINONA POLICE DEPARTMENT

NUMBER: 107-03 PAGES: 2

EFFECTIVE DATE: July 27, 2004

SUBJECT: ARREST AUTHORITY

1.0 PURPOSE:

It is the purpose of this general order to establish policy for all Winona Police Officers regarding their arrest authority.

2.0 POLICY:

The following "Powers and Duties Law," which sets forth arrest authority for peace officers in the State of Minnesota, shall be the policy of the Winona Police Department.

2.1 24 hours per day officer: When a peace officer is within his/her jurisdiction, the officer has the arrest authority of a peace officer, whether on-duty or off-duty.

2.2 On-duty outside of jurisdiction arrests: When a peace officer or part-time peace officer is on-duty, but outside of his/her jurisdiction, the officer has full arrest authority when acting in the course and scope of his/her employment. (Refer to General Order 102-03, Fresh Pursuit/Wisconsin.)

2.3 Off-duty outside of jurisdiction arrests: When a peace officer is off-duty and outside of his/her jurisdiction, the officer has the arrest authority of a peace officer when, and only when, confronted with a situation that justifies his/her use of deadly force in the line of duty under Minnesota Statute 609.066. Otherwise, the officer's arrest authority is limited to that of a private citizen.

2.4 Tort claims, indemnification and defense: When a police officer, in good faith, uses his/her arrest authority in a deadly force situation (Minnesota Statute 609.066) while off-duty and outside of his/her jurisdiction, the State of Minnesota will indemnify and defend the officer against a claim for any personal injury or death or property damage caused by the officer. However, this bill indicates clearly that indemnification and defense will not be provided if the officer is acting on behalf of a private employer. (Refer to General Order 109-06, Part-time Work.)

3.0 POSITION STATEMENT:

This policy deals with arrest authority identification as it pertains to a licensed Minnesota peace officer, both on and off duty, within his/her jurisdiction and outside of his/her jurisdiction. This department takes the position that its officers have the authority to arrest when in off-duty status, but this is not a directive from this department to act.