

Law Enforcement Authority

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106.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Alsip Police Department to perform their functions based on established legal authority.

106.2 POLICY

It is the policy of the Alsip Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

106.3 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law.

106.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE ALSIP POLICE DEPARTMENT

An officer may arrest a person when (725 ILCS 5/107-2):

- (a) There are reasonable grounds to believe that an arrest warrant exists.
 1. Notifications and waiver requests for the execution of warrants for those in need of emergency medical assistance and sexual assault victims shall be made in compliance with 725 ILCS 5/107-2.
 2. When the warrant charges a violation of the ILCS in another county, the arresting officer shall take steps to have the arrestee delivered before a judicial officer within the jurisdiction of the Alsip Police Department as soon as practicable (625 ILCS 5/16-103; 725 ILCS 5/109-2).
- (b) There are reasonable grounds to believe that the person is committing or has committed an offense.

106.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ALSIP POLICE DEPARTMENT

The authority of officers outside the Alsip Police Department, police district includes the ability to conduct temporary questioning or make an arrest (725 ILCS 5/107-4):

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- (a) If the officer is engaged in the investigation of criminal activity that occurred in the officer's jurisdiction and the temporary questioning or arrest is in furtherance of that investigation.
- (b) If the officer, while on-duty as an officer, becomes aware of the immediate commission of a felony or a misdemeanor violation of the laws of this state.
- (c) If the officer, while on-duty as an officer, is requested by an appropriate state or local law enforcement official to render aid or assistance to the requesting law enforcement agency that is outside the Alsip Police Department jurisdiction.

While outside the jurisdiction of the Alsip Police Department, an officer shall make prompt notification to the local law enforcement agency of the county or municipality where any of the above occurs, and shall notify the officer's immediate on-duty supervisor as soon as practicable (725 ILCS 5/107-4).

106.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other adjoining states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters Indiana, Iowa, Wisconsin or Missouri in fresh pursuit of a person who is in the immediate and continuous flight from the commission of a felony, and in Missouri the crime of driving while intoxicated or driving with excessive blood alcohol content (I.C. § 35-33-3-1 (Indiana); Iowa Code § 806.1 (Iowa); Wis. Stat. § 976.04 (Wisconsin); § 544.155, RSMo (Missouri)).

Whenever an officer makes an arrest in Indiana, Iowa, Wisconsin or Missouri, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (I.C. § 35-33-3-2; Iowa Code § 806.2; Wis. Stat. § 976.04; § 544.155, RSMo).

106.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Illinois constitutions.

106.6 SEARCH AND SEIZURE PROVISIONS WITH OR WITHOUT A WARRANT

Illinois Compiled Statutes 725 ILCS 5/107-2 provides that a peace officer may arrest a person when he has reasonable grounds to believe that a person is committing or has committed an offense.

Illinois Compiled Statutes 725 ILCS 5/108-1 states that when a lawful arrest is affected, with or without an arrest warrant, a law enforcement officer may reasonably search the person arrested and the area within such person's immediate presence, or under his immediate control, during or after the arrest for the authorized purpose of:

- a. Protecting the officer from attack;
- b. Preventing the person from escaping;

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- c. Discovering the fruits of the crime;
- d. Discovering any instruments, articles, or things that may have been used in the commission of the offense;
- e. Discovering any instruments, articles, or things, that may constitute evidence of offense (including contraband).

It shall be recognized that the phrase "arrestee's immediate presence" has been defined by the Supreme Court as that area within the arrestee's immediate control, i.e., that area from which the arrestee might gain possession of or seize a weapon or other things to assault the officer or affect an escape or seize concealable or destructible evidence. All arrestees shall be accorded the protections of the "Rights of Accused" as provided for in the Illinois Compiled Statutes 725 ILCS 5/103, et seq.

The Fourth Amendment requires law enforcement officers to demonstrate a threat to their safety or a need to preserve evidence related to the crime of arrest in order to justify a warrantless vehicular search incident to the arrest conducted after the vehicle's recent occupants have been arrested and secured (*Arizona V. Gant*, 556 U.S. 332 (2009)).