
Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Muskegon Police Department to perform their functions based on established legal authority. For procedures related to this policy see [Procedure 100 Law Enforcement Authority](#).

100.2 POLICY

It is the policy of the Muskegon 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.

100.3 PEACE OFFICER POWERS

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

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE MUSKEGON POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Muskegon Police Department includes (MCL 764.15):

- (a) In compliance with an arrest warrant.
- (b) When any misdemeanor, felony or ordinance violation is being, or has been, committed in an officer's presence.
- (c) When there is probable cause to believe that a misdemeanor punishable by imprisonment for more than 92 days or a felony was committed by the person to be arrested.
- (d) When there is probable cause to believe any misdemeanor was committed upon school property.
- (e) When there is probable cause to believe a person involved in an accident or stopped on a highway has violated the driving under the influence provisions listed in MCL 764.15.

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100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE MUSKEGON POLICE DEPARTMENT

An officer may make an arrest outside the jurisdiction of the Muskegon Police Department when an arrest is permitted and (MCL 764.2a):

- (a) The officer is working with or assisting the Michigan State Police.
- (b) The officer is working with or assisting an officer of that jurisdiction.
- (c) The officer is in continuous fresh pursuit following the observation of a law violation within the officer's jurisdiction.
- (d) Under state law 257.762a of the state motor vehicle code, officers may exercise authority and powers outside their own city, village, or township when he or she is enforcing this act on a street or highway which is on the boundary of the county, city, village, or township, the same as if the officer were in their own jurisdiction.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When in fresh pursuit of a felony suspect into Ohio, Indiana or Wisconsin (ORC § 2935.30; I.C. § 35-33-3-1; Wis. Stat. § 976.04).
- (c) When in fresh pursuit of a person for whom the officer has probable cause to believe has committed an offense into Illinois (725 ILCS 5/107-4).

The person arrested out of state must be taken without unnecessary delay before a judge or magistrate of the county in which the arrest was made (ORC § 2935.31; I.C. § 35-33-3-2; Wis. Stat. § 976.04).

100.5 CONSTITUTIONAL REQUIREMENTS

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