

PORT HURON POLICE DEPARTMENT POLICY AND PROCEDURAL ORDER

		ORDER NO: 01-07
SUBJECT: Authority		
EFFECTIVE DATE: May 9, 1994	DISTRIBUTION: A	REVIEWED: 12/16/19 REVISED:
REQUIREMENTS:		
ISSUED BY: Chief Joseph A. Platzer		FORMS:

I. PURPOSE

The purpose of this order is to describe the legal source of police power and legal authority for the officers of the Port Huron Police Department.

II. DISCUSSION

- A. The City of Port Huron is a Home Rule City according to Public Act 279 of 1909 of the State of Michigan and a Fourth Class City under Public Act 215 of 1895 of the State of Michigan. These acts give the city the power, by charter, to establish any department necessary for the general welfare of the city.
- B. The charter of the city provides that the mayor shall see that all the laws of the State of Michigan and ordinances of the city are enforced.
- C. In keeping with our police powers as a Home Rule City, as established by state law, and in accordance with the rules and regulations of the department, our responsibility and lawful authority is as follows:

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent against oppression or intimidation, keeping the peace and ensuring the rights of all to liberty, equality, and justice.

III. OFFICERS ON UNPAID LEAVES OF ABSENCE

- A. Authority to Carry a Concealed Weapon

An attorney general opinion states that the authorization to carry a concealed weapon without a permit is limited to those officers who are currently receiving a regular salary and other benefits for police services. Therefore, an officer on unpaid

leave status may not carry a concealed weapon based on their exemption as a police officer.

B. Authority to Arrest

A person on an unpaid leave of absence, based on opinions by the attorney general, has no more arrest power than an ordinary citizen.

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