



**CUDAHY
POLICE
DEPARTMENT**

**Thomas D. Poellot
Chief of Police**

**Policy
1.03**

**WILEAG
Standard
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Agency Jurisdiction/Expander of Jurisdiction/Mutual Aid - Policy

Purpose

The purpose of this Policy is to define the Cudahy Police Department jurisdiction, expander of jurisdiction, and mutual aid in relation to arrest authority; and set guidelines as to when an officer may assist other law enforcement agencies.

This Policy consists of the following numbered sections:

- I. Policy**
- II. Application**
- III. Definitions**
- IV. Geographical Jurisdiction**
- V. Expander of Jurisdiction**
- VI. Mutual Aid**
- VII. S.M.A.R.T.**
- VIII. Close Pursuit**

I. Policy

- A. It is the Policy of the Cudahy Police Department that all sworn personnel shall possess arrest powers and authority within the City of Cudahy. By adopting this policy issued by the Chief of Police, sworn law enforcement personnel that are employed by the City of Cudahy shall have additional arrest powers and other authority specified herein.
- B. This Policy is also subject to the procedures included in any written agreements with other agencies pertaining to mutual aid.

II. Application

This Policy shall apply to all sworn and non-sworn members of the Cudahy Police Department.

III. Definitions

Emergency: Unless otherwise defined by statute, an emergency is any situation in which property or human life is in jeopardy and the assistance of law enforcement is necessary.

Highway: Means all public ways, thoroughfares, and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right of way for the purposes of vehicular travel.

- It includes those roads or driveways in the state, county, or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways.

Intersection: Means the area embraced within the prolongation or connection of the curb lines or, if none, then within the boundary lines of the roadways of 2 or more highways which join one another at, or approximately at right angles, whether or not one such highway crosses the other, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Law Enforcement Agency: Means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

Law Enforcement Officer / Officer / Peace Officer: Means any person who by virtue of the person's office or public employment is vested by law with the duty to maintain public order or to make arrests for crimes while acting within the scope of the person's authority.

Mutual Assistance / Mutual Aid: Means situations where a law enforcement agency requests assistance from another law enforcement agency.

- A. Officers of the Cudahy Police Department are authorized to exercise police powers and perform duties in all areas within the corporate city limits of Cudahy, Milwaukee County, Wisconsin.

Officers must keep in mind that the geographic limits of the City of Cudahy may change periodically and officers are responsible for keeping abreast of such changes as the department is notified and adjusting their patrol activities to accommodate annexations adjoining their assigned patrol areas.

- B. Wisconsin State Statute 175.40(4) states, "a peace officer whose boundary is a

highway may enforce any law or ordinance that he or she is otherwise authorized to enforce by arrest or issuance of a citation on the entire width of such highway and on the entire intersection of such a highway and a highway located in an adjacent jurisdiction”.

C. Wisconsin State Statute 175.40(6) being adopted herein and gives authority to a peace officer outside his or her territorial jurisdiction to arrest a person or provide aid or assistance anywhere in the State if the following criteria are met:

1. The officer is on duty and on official business.
2. The officer is taking action that he or she would be authorized to take under the same circumstances in his or her territorial jurisdiction.
3. The officer is acting to respond to any of the following
 - a. An emergency situation that poses a significant threat to life or of bodily harm.
 - b. Acts that an officer believes, on reasonable grounds, constitute a felony.
4. An officer acting under this authority must immediately notify and cooperate with the law enforcement agency of another jurisdiction regarding arrests made and other actions taken in the jurisdiction. The Shift Supervisor from the Cudahy Police Department shall be notified by the quickest means and as soon as the circumstances allow for notification to be made safely.

V. Expander of Jurisdiction

A. Wisconsin State Statutes 175.40 (6m), or Expander of Jurisdiction, being adopted herein and gives authority to an off duty peace officer outside his or her territorial jurisdiction to arrest a person or provide aid or assistance anywhere in this State if the following criteria are met:

1. The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm, and
2. The officer is taking action that he or she would be authorized to take under the same circumstances in the officer’s territorial jurisdiction.
3. An officer electing to take action under this section shall, consistent with the exigencies of the situation, attempt to weigh reasonable responses to the situation including maintaining cover and observation, contacting the local law enforcement agency or asking others to do so, and directly intervening in the incident. In addition, the officer shall verbally identify himself as a police officer to both responding officers of the local jurisdiction as well as to bystanders. Officers shall comply with the directions given by the responding

officers of the local jurisdiction.

4. Any officer acting under the authority of this section shall immediately notify and cooperate with the law enforcement agency of another jurisdiction regarding arrests made and other actions taken within said jurisdiction. In addition, the officer shall as soon as possible notify the Cudahy Police Department's on-duty shift supervisor and apprise him/ her of the action taken by the officer while off duty and within another jurisdiction. The shift supervisor will then notify the Chief or his designee as soon as practical.

VI. Mutual Aid

A. This Department may provide assistance to other agencies when:

1. Any law enforcement officer is requesting immediate assistance for situations involving the threat of human life or serious bodily harm.
2. A law enforcement agency requests this Department's assistance for any emergency call. Officers should continue rendering such assistance until such time as the officer is released by the agency requesting assistance, or a ranking officer of this Department.
3. The ability to provide mutual aid to another agency is always predicated upon our current staffing level, and if providing that mutual aid would leave the City of Cudahy safely staffed or not.

B. When a member or members of the Cudahy Police Department provide assistance to another agency under a mutual aid request, the event shall be documented in the CAD (Computer Aided Dispatch) system, with all the appropriate information (type of assistance given, location, duration, times, dates, etc.) entered in the narrative of the CAD, or populated elsewhere in the CAD.

C. If any agency (law, human services, etc.) requests an officer to provide assistance, the officer should comply with the request, and should continue to provide assistance until relieved.

Nothing in this Subsection should be construed to limit the supervisory authority of the Chief of Police, or his/her designee, Lieutenant, Sergeant, or Corporal.

D. As with any Policy, discretion should be used in considering a call for assistance. Officers will be expected to justify their actions.

E. A peace officer outside of his/her jurisdiction may arrest a person or provide aid or assistance anywhere in the State of Wisconsin if the following criteria are met, both in cases where the crime is observed by the law enforcement official and in

cases where the crime is not observed by a law enforcement officer, but that officer has probable cause for such arrest:

1. The officer is on duty and on official businesses. If the officer is using a vehicle, the vehicle is an official police vehicle.
2. The officer is taking an action that he/she would be authorized to take under the same circumstances in his/her own jurisdiction.
3. The officer is acting to respond to any of the following:
 - a. An emergency situation that poses a significant threat to life or bodily harm.
 - b. Acts that the officer believes, on reasonable grounds, constitute a felony.

F. Notification to another jurisdiction law enforcement agency.

1. As soon as possible, officers for the City of Cudahy should notify the appropriate law enforcement agency having jurisdiction that the Cudahy officers will be conducting official business in that jurisdiction.
2. Officers should notify the appropriate law enforcement agency having jurisdiction when they have completed their business and will be leaving that agency's jurisdiction.
3. In addition, officers may transport prisoners within another jurisdiction if they comply with the following:
 - a. If transportation of a prisoner requires travel into another jurisdiction, officers should first request assistance from that jurisdiction. Specifically, the officers should request that jurisdiction to transport the prisoner, either from the site of arrest or from some other mutually agreeable location.
 - b. If assistance is not available, officers may transport the prisoner through and within that jurisdiction. However, pursuant to the Attorney General's advisory letter, dated September 20, 2001, this authority is restricted to only apply to prisoners arrested by this Department; officers of this Department are *not* authorized to transport prisoners arrested by an agency in another jurisdiction, unless requested to do so under a mutual assistance request.

VII. S.M.A.R.T.

The Cudahy Police Department shall be an active member to the Suburban Mutual Assistance Response Teams (S.M.A.R.T.) system, which is an organized law enforcement mutual aid system operating in Southeastern Wisconsin.

A. The purpose of S.M.A.R.T. is:

1. To provide immediate extra law enforcement officers and equipment at the scene of law enforcement emergencies.
2. To provide for automatic and systematic response of law enforcement officers.
3. To provide for contractual responsibilities and liabilities
4. To provide broad area coverage.
5. To foster a cooperative spirit for law enforcement emergency planning.
6. As a general rule, mutual aid personnel will supplement the requesting agency's forces, and as such, should not be assigned to hazardous duties when adequate personnel from the requesting agency exists.

B. S.M.A.R.T. does not relieve a community of its responsibility to provide adequate personnel and equipment for day to day law enforcement operations. Each community has its first line of defense and its reserves. A community may only resort to S.M.A.R.T. when a law enforcement emergency has caused its agency to exceed its own routine capabilities.

VIII. Close Pursuit

A. Officers Entering This State.

1. Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in close pursuit, and continues within this state such close pursuit, of a person in order to arrest the person on the grounds that the person is believed to have committed a felony in such other state, shall have the same authority to arrest and hold in custody such person, as members of a duly organized state, county or municipal peace unit of this state have, to arrest and hold in custody a person on the grounds that the person has committed a felony in this state.
2. If an arrest is made in this state by an officer of another state in accordance with Subsection (a)(1), the officer shall without unnecessary delay, take the person arrested before a judge of the County in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of

the arrest. If the judge determines that the arrest was lawful, the judge shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state or admit the person to bail for such purpose. If the judge determines that the arrest was unlawful, the judge shall discharge the person arrested.

3. "Close pursuit" as used in this section includes "fresh pursuit" as defined in these policies, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It also includes the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there are reasonable grounds for believing that a felony has been committed. Close pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

B. Officers of This State Engaging in Close Pursuit in Other States.

1. Officers of this Department may engage in close pursuit, but only under the following circumstances:
 - a. The pursuit begins and remains pursuant to this and all other appropriate policies of this Department; and
 - b. The officer determines that probable cause exists to arrest the suspect for any violent felony where the victim sustains or reasonably could sustain serious bodily injury and/or loss of life.



Thomas D. Poellot

Chief of Police

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