

GLENDALE POLICE DEPARTMENT

POLICY: 201

DATE: December 17, 2019

SUBJECT: State Wide Arrest Authority

I. Purpose

The purpose of this policy is to define the authority of City of Glendale law enforcement officers to conduct investigations and make arrests in all jurisdictions within the State of Wisconsin. State wide arrest authority is granted under Wisconsin Statute 175.40 and is in addition to any other arrest authority, including authority granted under any charter.

II. Policy Statement

It is the intent of this policy to enhance the ability of officers to conduct official investigations and make arrests outside of the jurisdictional boundaries of the City of Glendale within the limitations defined in Wis. Stat. 175.40.

III. Definitions

- A. A "*crime*" is conduct, which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture is not a crime. Reference Wis. Stat. 939.12.
- B. "*Arrest*" is the act of depriving a person of his/her liberty by legal authority.
- C. "*Jurisdiction*" for county wide authority has the meaning specified in Wis. Stat. 175.40(5)(a), and is restricted to Milwaukee County. For the purpose of this definition, any law enforcement officer employed by an agency within Milwaukee County has territorial jurisdiction and authority to investigate and make arrests within Milwaukee County.
- D. "*On Duty*," for purposes of jurisdiction under Wis. Stat. 175.40, is defined as those hours normally considered to be a part of the officer's regular scheduled tour of duty or when such officer is performing authorized duty for which compensation may be awarded or earned by current agency contract language.

- E. "Notification " means radio, telephone or personal contact with the agency in whose jurisdiction you are conducting official City of Glendale Police Department business.

IV. Local Authority

- A. Officers have full authority to conduct investigations and make arrests within the City of Glendale and may, when in fresh pursuit, follow anywhere in the state and arrest any person for the violation of any law or ordinance the officer is authorized to enforce. Wis. Stat. 175.40(2).
- B. Officers have full authority when acting pursuant to mutual aid agreements, Wis. Stat. 66.0313.
- C. Off duty officers are granted the same authority as on duty officers while in the City of Glendale.

V. County Wide Authority, Wis. Stat 175.40(5)

- A. Officers have the authority to conduct investigations and make arrests anywhere in Milwaukee County when the offense was committed in Glendale.
- B. Officers observing a person committing a crime in another jurisdiction within Milwaukee County have the authority to arrest that person.
- C. Officers may arrest a person in another jurisdiction within Milwaukee County for a crime not observed by a law enforcement officer, based on probable cause that a crime was committed and if a delay in apprehension would hinder the apprehension by the agency of jurisdiction. The offense must be a crime as defined by Wisconsin Statutes, and not an ordinance violation.
- D. Officers may arrest and take into custody any person for which a Federal, State or Municipal warrant has been issued.
- E. Off duty officers outside the jurisdictional boundaries of Glendale, but within Milwaukee County, should not make arrests or conduct investigations unless it involves a crime or incident that poses a significant threat to life or of bodily harm.

VI. State Wide Authority, Wis. Stat. 175.40(6)

- A. Officers may arrest a person or provide aid or assistance anywhere in the state if all of the following conditions apply:
 - 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 jurisdiction.
 - 3. The officer is acting to respond to an emergency situation that poses a significant threat to life or of bodily harm or an act that the officer believes, on reasonable grounds, constitutes a felony.
- B. Wis. Stat. 175.40(6m) grants authority for an off duty officer to arrest a person or provide aid or assistance outside of his or her jurisdiction but within the state if the officer is responding to an emergency situation that poses a significant threat to life or of bodily harm and the officer is taking action that he or she would be authorized to take under the same circumstances in the officer's territorial jurisdiction.

VII. Procedures

- A. Officers are to notify the law enforcement agency of the local jurisdiction when an arrest is made in that jurisdiction. Officers should notify the local law enforcement agency of an investigation conducted in their jurisdiction when appropriate.
- B. Persons arrested for a crime committed in another jurisdiction shall be turned over to that jurisdiction for formal investigation and charging.
- C. Any person(s) arrested for a crime committed in another jurisdiction under the provisions and authority of this policy requires a report to be filed as per existing City of Glendale Department policy, a copy of which is to be made available to the jurisdiction in which the arrest was made.
- D. Officers taking enforcement action under Wis. Stat. 175.40 are to ensure that their response is reasonable and necessary and should act only after consideration of the tactical situation.
- E. Glendale Police Officers who are assigned to other law enforcement agencies shall adhere to the policies of that agency.

- F. Officers are to cooperate and coordinate with the jurisdictional authority as necessary to achieve common goals and reduce duplication of efforts.
- G. Off duty officers taking enforcement action are to notify and defer to on duty officers whenever possible and should act only after consideration of the tactical situation.
- H. Off duty officers who are or have been consuming intoxicants or are under the influence of medication, which impairs their ability to perform, are prohibited from taking enforcement action.
- I. Officers in their first year of employment in such capacity and during a probationary period as a City of Glendale police officer are advised to take passive enforcement action, with respect to off duty arrests.

VIII. Concurrent Jurisdiction

- A. Officers will provide assistance to other law enforcement agencies that also have jurisdictional authority in Glendale. Officers are to cooperate and coordinate with the agency(s) as necessary to achieve common goals and reduce duplication of efforts.
- B. Officers will take a secondary role when assisting other agencies except for mutual aid requests or when circumstance require that Glendale Police take the primary role in the incident.
- C. The Milwaukee County Sheriff's Office has primary responsibility for incidents that occur on the freeway.

By Order of:

Mark Ferguson - Chief of Police

Replaces: Policy 201 dated March 15, 2017
Review Date: June 30, 2021