

GENERAL ORDER

PORT WASHINGTON POLICE DEPARTMENT*

SUBJECT:	AGENCY JURISDICTION AND EXPANDER OF JURISDICTION	NUMBER:	1.6.1
		ISSUED:	5/5/09
SCOPE:	All Sworn Personnel	EFFECTIVE:	5/5/09
DISTRIBUTION:	General Orders Manual	<input checked="" type="checkbox"/> RESCINDS	2.1
		<input type="checkbox"/> AMENDS	
REFERENCE:	WI Statutes §§ 66.0313, 175.40(2), 175.40(6)(a)-(d), 175.40(6m)	WILEAG 5 th EDITION STANDARDS: 1.6.1	

INDEX AS: Local Authority
 Agency Jurisdiction
 Expander of Jurisdiction
 Extraterritorial Law Enforcement Authority

PURPOSE: This policy provides guidelines to law enforcement officers of the Port Washington Police Department who are operating within the corporate limits of the City of Port Washington as well as those who may be outside of their jurisdiction and witness an illegal act or emergency, and to comply with §175.40(6)(d), Stats. This policy does not affect responses under § 66.0313, Stats. (mutual aid) or §§175.40(2) and (3) (fresh pursuit). This policy does not extend an officer's jurisdiction outside the boundaries of the State of Wisconsin.

This order consists of the following numbered sections:

- I. Policy
- II. Procedures

I. POLICY: It is the policy of the Port Washington Police Department to notify and cooperate with the law enforcement agencies of other jurisdictions regarding arrests made and other actions that may be taken within their jurisdictions by Port Washington police officers.

II. PROCEDURES:

A. Local Authority

1. Officers have full authority to conduct investigations and make arrests within the City of Port Washington 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).
2. Officers have full authority when acting pursuant to mutual aid agreements, Wis. Stat. 66.0313.
3. Off-duty officers are granted the same authority as on-duty officers while within the City of Port Washington.

B. Extraterritorial Authority:

§175.40, Stats. entitled "**Arrests; assistance**" provides, in part:

"(6)(a) A peace officer outside of his or her territorial jurisdiction may arrest a person or provide aid or assistance anywhere in the state if the criteria under subds. 1. to 3. 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 bodily harm.*
 - b. *Acts that the officer believes, on reasonable grounds, constitute a felony.*
4. *A peace officer specified in par. (a) has the additional arrest and other authority under this subsection only if the peace officer's supervisory agency has adopted policies under par. (d) and the officer complies with those policies.*
5. *For purposes of civil and criminal liability, any peace officer outside of his or her territorial jurisdiction acting under par. (a) is considered to be acting in an official capacity.*
6. *In order to allow a peace officer to exercise authority under par. (a), the peace officer's supervisory agency must adopt and implement written policies*

regarding the arrest and other authority under this subsection, including at least, a policy on notification to and cooperation with the law enforcement agency of another jurisdiction regarding arrests made and other actions taken in the other jurisdiction.”

C. Responsibilities:

1. If practical, all reasonable attempts shall be made by Port Washington officers to contact the other law enforcement agency and report to it what is being or has been witnessed. If it is determined by the Port Washington officer that immediate intervention is necessary to protect life or prevent great bodily harm, or to act when it appears that a felony is being committed, the Port Washington officer may arrest a person, or provide aid or assistance anywhere in the state of Wisconsin, provided the above criteria are met.
2. Port Washington officers are discouraged from acting outside of their jurisdiction when not in uniform and without marked police vehicles. This includes any plain-clothes assignment. Unless it would place the Port Washington officer or another person in jeopardy, any action shall be taken only after the officer properly identifies himself or herself as a police officer.
3. A Port Washington officer who acts under authority of the law or this policy shall, as soon as practicable and without delay, notify the on-duty shift commander of the Port Washington Police Department of his/her actions, providing all pertinent information. Such information shall be documented and forwarded to the Police Captains and Police Chief of the Port Washington Police Department. An incident report shall also be completed by the officer.
4. After review, a copy of the incident report shall be forwarded to the law enforcement agency in whose jurisdiction the incident occurred or action was taken.

D. GEOGRAPHICAL JURISDICTION

1. Every officer and Records Clerk shall have access to and make himself/herself familiar with a map of the city showing the geographical boundaries. A copy of this map shall be kept in the Records Division.
2. Each new officer is provided with a city map. Review of the geographical boundaries is covered during New Officer Training and during the Field Training Officer Program.
3. Verifying whether an address is within the Port Washington city limits can be done by accessing the property tax records on the City of Port Washington's web site at <http://www.ci.port-washington.wi.us/AssessorData.htm>. The Computer Aided Dispatch (CAD) system Master Address function can also be used for this purpose.

- a. It is recognized that Law Enforcement Agencies other than the Port Washington Police Department have authority to exercise police powers with the city limits.
- b. The Ozaukee County Sheriff's Department, the Wisconsin State Patrol, as well as State and Federal Law Enforcement Agencies all have legal authority within the City of Port Washington.
- c. It is understood that the Port Washington Police Department shall be responsible for patrol and investigations involving Ozaukee County Parks within the city limits.
- d. It is further understood that the Ozaukee County Sheriff's Department shall patrol and conduct investigations on I-43, to include all on and off ramps.
- e. The Wisconsin State Patrol also has authority on I-43.

E. CONCURRENT JURISDICTION

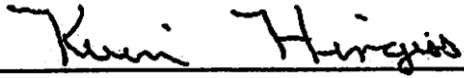
- 1. The Department will serve as the primary responding agency for all requests for police service within the City received either by City personnel or the Communication Center.
- 2. The Department exercises exclusive law enforcement jurisdiction over enforcement of City of Port Washington
- 3. The Department does share concurrent jurisdiction over certain offenses and/or incidents with various law enforcement agencies at the county, state, and federal level.

These include, but are not limited to:

- a) Ozaukee County Sheriff's Department
 - b) Wisconsin State Patrol
 - c) Wisconsin Division of Criminal Investigation
 - d) Various federal law enforcement agencies
- 4. If any concurrent 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.

5. Interaction with other agencies sharing concurrent jurisdiction with the Department shall generally revolve around working in conjunction with such agencies on matters of mutual concern or relinquishing responsibility for certain situations based on a case by case evaluation of the circumstances. Examples might include an officer by the Wisconsin State Patrol to investigate a major traffic accident or the investigation of a major narcotics situation by the Ozaukee County Drug Unit.
6. Nothing in this Subsection should be construed to limit the supervisory authority of the Chief of Police or designee.

APPROVED:



Chief Kevin Hingiss

DATE:

8/8/19

Revised 8/8/19
Revised 1/16/19
Revised 6/13/16
Revised 4/12/10