



# POLICY & PROCEDURE

## ELKHART LAKE POLICE DEPARTMENT

SUBJECT: **JURISDICTION**

SCOPE: All Department Personnel  
DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statutes: 66.0313, 175.40

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WILEAG 4<sup>TH</sup> EDITION  
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INDEX AS: Agency Jurisdiction  
Assisting Law Enforcement Agencies  
Close Pursuit  
Expander of Jurisdiction  
Mutual Aid

PURPOSE: The purpose of this Policy & Procedure is to define the Elkhart Lake Police Department's 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 & Procedure consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. GEOGRAPHICAL JURISDICTION
- IV. EXPANDER OF JURISDICTION
- V. MUTUAL AID
- VI. CLOSE PURSUIT

## I. DEFINITIONS

A. 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.

B. Highway. Means all public ways and 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 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.

C. 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.

D. 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.

E. Law Enforcement 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.

F. Mutual Assistance. Means situations where, upon the request of any law enforcement agency, including county law enforcement agencies, the law enforcement personnel of any other law enforcement agency may assist the requesting agency within the latter's jurisdiction.

G. Officer. The term "officer" as used herein means peace officer and/or law enforcement officer, as may be appropriate.

H. Peace Officer. Means any person vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes. "Peace officer" includes a commission warden.

## II. POLICY

- A. It is the policy of the Elkhart Lake Police Department that all sworn personnel shall have arrest powers and authority within the Village of Elkhart Lake and Town of Rhine limits.

By adopting this policy issued by the Chief of Police, Officers for the Village of Elkhart Lake shall have additional arrest powers and other authority specified herein.

- B. This Policy & Procedure is also subject to the procedures included in any written agreements with other agencies pertaining to mutual aid.

### III. GEOGRAPHICAL JURISDICTION (WILEAG CORE 3-1.6.1.1)

- A. Officers of the Elkhart Lake Police Department are authorized to exercise police powers and perform duties in all areas within the corporate Village limits of Elkhart Lake, Sheboygan County, Wisconsin and the corporate Town limits of the Town of Rhine, Sheboygan County, Wisconsin. Officers must keep in mind that the geographic limits of the Village of Elkhart Lake 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 Elkhart Lake Police Department shall be notified by the quickest means and as soon as the circumstances allow for notification to be made safely.

#### IV. EXPANDER OF JURISDICTION (WILEAG CORE 3-1.6.1.2)

- 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 Elkhart Lake 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.

#### V. MUTUAL AID (WILEAG CORE 4-1.6.2)

- A. The 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.
- B. A full report of the incident generating the request for assistance should be made; this report should include, in addition to other information, details of the call, and by whom the request was made. In the absence of extraordinary circumstances, this report should be completed as soon as practical, but not later than twenty-four (24) hours from the completion of the mutual assistance assignment.

(Depending on the nature of the incident and its severity, the details may, at times, be added to the incident via the mobile laptop terminal.

- 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 or Senior Officer of this Department.

- D. As with any Policy & Procedure, 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 Village of Elkhart Lake should notify the appropriate law enforcement agency having jurisdiction that the Elkhart Lake 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 additions to the requirements specified in Subsection (a) above, 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.

- G. Officers may not conduct investigations outside their jurisdiction unless requested to do so under a Mutual Assistance request, or under authority conferred by deputization, or after notification of the supervising officer in charge of the jurisdiction in which the investigation will be conducted. Officers may request said jurisdiction to assist & accompany with investigation when appropriate.
- H. Officers may only arrest a person outside the territorial jurisdiction of the Village of Elkhart Lake and Town of Rhine by employing one (1) or more of the following:
  - 1. Ask the person/suspect to come to the Police Department (consent).
  - 2. Apply to the District/Village Attorney for an arrest warrant.
  - 3. Pursuant to a mutual aid request for assistance from another jurisdiction.
  - 4. Where an officer is in "fresh pursuit", as follows:
    - a) An officer may, when in fresh pursuit, follow anywhere in the State of Wisconsin and arrest any person for the violation of any law or ordinance in authorized to enforce.
    - b) The following criteria are used to determine when an officer is in fresh pursuit.
      - (1) The officer acts without unnecessary delay when deciding whether or not to begin a pursuit;
      - (2) The pursuit is continuous and uninterrupted, although there need not be continuous surveillance of the suspect;
      - (3) The relationship in time between the commission of the offense, the commencement of the pursuit, and the apprehension of the suspect shows that the circumstances were sufficiently exigent to justify an extraterritorial search.

I. Concurrent Jurisdiction (WILEAG CORE 3-1.6.1.3)

1. Various county, state, and federal law enforcement agencies other than the Elkhart Lake Police Department has the authority to exercise police powers within the Village of Elkhart Lake. These agencies include, but are not limited to, the:

1. Sheboygan County Sheriff's Office
2. Wisconsin State Patrol
3. Wisconsin Department of Natural Resources
4. Wisconsin Department of Justice
5. Various federal law enforcement agencies

Michael Meeusen  
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 06/30/2015