POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **JURISDICTION**

NUMBER:	1.09
ISSUED:	11/05/2024
EFFECTIVE:	11/05/2024

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

☐ RESCINDS
☐ AMENDS

REFERENCE: WI State Statutes: 66.0313, 175.40, 175.46

WILEAG 5TH EDITION STANDARDS: 1.6.1, 1.6.2

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 Sturgeon Bay 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. FRESH PURSUIT: Means the pursuit by a law enforcement officer of someone he/she has probable cause to believe has violated any law or ordinance the officer is authorized to enforce. This means that the infraction took place within the officer's geographical jurisdiction and fresh pursuit allows the officer to follow that person outside of what normally would be his/her geographical limits. An officer now may, when in fresh pursuit, follow anywhere in the state and arrest any person for violation of any law or ordinance the officer is authorized to enforce. The officer must act without unnecessary delay as well as pursue continuously and uninterrupted.

C. 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.

D. HOT PURSUIT: requires the “immediate or continuous pursuit of a suspect from the scene of the crime.” Merely receiving and responding to a call at a particular location is not sufficient to claim hot pursuit. Instead, “some sort of chase” is required. Additionally, it is not enough that the subject of the pursuit is suspected of committing a jailable offense; either the person must be suspected of committing a felony, or there must be another exigency (such as the threat of escape, destruction of evidence, or death or great bodily harm).

If exigent circumstances do not exist, it is absolutely essential to have a warrant or consent to enter the premises by someone authorized to give that consent to make an arrest of a person in his/her own residence. In all other circumstances where no reasonable need for immediate action exists, a warrant should be obtained.

E. 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.

F. JURISDICTION: Means the geographic area over which authority extends; the legal authority to enforce laws and ordinances or determine causes of action. Concurrent Jurisdiction is any geographic area over which multiple jurisdictions have the legal authority to enforce laws and ordinances or to determine causes of action. This may be by boundaries within a municipal geographic area, by contract, or by letter of agreement.

G. 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.

H. 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.

I. 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.

J. OFFICER: The term “officer” as used herein means peace officer and/or law enforcement officer, as may be appropriate.

K. 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 Sturgeon Bay Police Department that all sworn personnel shall have arrest powers and authority within the City limits. By adopting this policy issued by the Chief of Police, Officers for the City of Sturgeon Bay 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

A. Officers of the Sturgeon Bay Police Department are authorized to exercise police powers and perform duties in all areas within the corporate City limits of Sturgeon

Bay, Door County, Wisconsin. Officers must keep in mind that the geographic limits of the City of Sturgeon Bay 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 Sturgeon Bay 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

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 act 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 Sturgeon Bay 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

A. The Department may aid 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 designee, Assistant Chief, Captain, Sergeant, 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 City of Sturgeon Bay should notify the appropriate law enforcement agency having jurisdiction that the Sturgeon Bay 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 of 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 City of Sturgeon Bay 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/City 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.

VI. CONCURRENT JURISDICTION

A. 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.

B. The Department exercises exclusive law enforcement jurisdiction over enforcement of City of Sturgeon Bay Ordinances.

C. 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:

1. Door County Sheriff's Department

2. Wisconsin State Patrol

3. Wisconsin Division of Criminal Investigation

4. Door County Enforcement Group

5. Various federal law enforcement agencies

D. 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.

E. 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 offer by the Wisconsin State Patrol to investigate a major traffic accident of the investigation of a major narcotics situation.

F. For any call for service received from the Sturgeon Bay School District or other local Door County School during school hours, the officer will check to see if the assigned School Resource Officer (SRO) from the Sturgeon Bay Police Department, or Door County Sheriff's Department is on duty while responding to the call.

1. If the SRO is on duty, officers will assist the SRO with the call, and obtain a copy of the SRO's incident report.
2. If the SRO is not on duty, officers will handle the situation appropriately. A copy of the incident report will be provided to the SRO.

G. Nothing in this Subsection should be construed to limit the supervisory authority of the Chief of Police or designee.

VII. CLOSE PURSUIT

A. Officers Entering this State:

1. Any members 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 wait 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 without unreasonably 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.

Clinton Henry
Chief of Police

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

Initial 06/22/2020