



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-16

INDEX AS: County Wide Jurisdiction
County Wide Arrest Authority

REPLACES: G.O. 16-01
EFFECTIVE: 02-15-2016

WILEAG: 1.6.1, 1.7.4

SUBJECT: County Wide Arrest Authority

PURPOSE: The purpose of this General Order is to define the authority of law enforcement officers to conduct investigations and make arrests in all jurisdictions within Milwaukee County, and to provide guidelines for notifications, as required by Wisconsin State Statute 175.40(5).

The authority granted under Wisconsin State Statute 175.40(5) is in addition to any other arrest authority, including authority granted under any charter.

POLICY: It is the intent of this policy to enhance the ability of South Milwaukee officers to conduct official investigations outside of the City of South Milwaukee's jurisdiction, but within the boundaries of Milwaukee County, and; to arrest and take into custody those responsible for the commission of crimes. This policy also applies to any investigations and/or arrests taking place within Grant Park, since Grant Park is a Milwaukee County Park located within the City of South Milwaukee.

This order consists of the following numbered sections:

- I. DEFINITIONS
- II. INVESTIGATIONS
- III. ON-DUTY ARRESTS
- IV. OFF-DUTY ARRESTS

V. NOTIFICATIONS

VI. REPORTS

VII. EFFECTIVE DATE

I. DEFINITIONS

- A. “Law Enforcement Officer” has the meaning specified in Wisconsin State Statute 168.85(2)(c).
- B. A “crime” is conduct, which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by forfeiture is not a crime (Wisconsin State Statute 939.12).
- C. “Arrest” is the act of depriving a person of their liberty by legal authority.
- D. “Jurisdiction” has the meaning specified in Wisconsin State Statute 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.
- E. For purposes of jurisdiction under Wisconsin State Statute 175.40(5), “on duty” is defined as those hours normally considered being a part of the officer’s regular scheduled tour of duty, or when such officer is performing authorized duty for which compensation has been authorized.

II. INVESTIGATIONS

Officers conducting investigations that require contact with persons in other jurisdictions shall, whenever possible, notify that law enforcement agency of the nature, purpose and location of the investigation prior to conducting said investigation.

III. ON-DUTY ARRESTS

- A. Arrests in another jurisdiction if the crime is observed by a law enforcement officer: officers observing a person committing a CRIME in another jurisdiction within Milwaukee

County have the authority to arrest that person.

- B. Arrests in another jurisdiction if the crime is not observed by a law enforcement officer: officers may arrest a person in another jurisdiction for a CRIME not observed by a law enforcement officer, based on probable cause that a crime was committed. The offense must be a CRIME as defined by Wisconsin State Statutes and not an ordinance violation.
- C. Arrests made in another jurisdiction; notification, booking, prosecution:
 - 1. Whenever an arrest is made in accordance with sections III. A or III. B the arresting officer SHALL IMMEDIATELY notify the jurisdiction in which the criminal offense occurred. If the arrest is related to an investigation being conducted by the South Milwaukee Police Department then the arrested person shall be booked and referred for prosecution by SMPD. In the event of an arrest that is not related to an investigation being conducted by the South Milwaukee Police Department then the jurisdiction in which the criminal offense occurred shall be responsible for the arrest processing (booking), care, custody, and prosecution of any person arrested for that offense.
 - 2. Officers, when in another jurisdiction within Milwaukee County, shall not enforce the ordinances of that jurisdiction: except in mutual aid and joint task force operations.
- D. Arrests pursuant to Fresh Pursuit
 - 1. Officers when in fresh pursuit as defined by Wisconsin State Statute 976.04 may arrest a person in another jurisdiction within Milwaukee County and return to the City of South Milwaukee without complying with the provisions of Section III.C provided no additional CRIMINAL offenses have occurred in that jurisdiction during the fresh pursuit.
 - 2. Officers who make an arrest in another jurisdiction while in fresh pursuit shall comply with Section V.

E. Arrests Pursuant to Warrant

Officers may arrest and take into custody any person for which a federal, state, or municipal warrant has been issued.

IV. OFF-DUTY ARREST LIMITATIONS

- A. It is the specific intent of this policy to limit the activities of off duty police officers in another jurisdiction within Milwaukee County, **to those matters which involve crimes of a very serious nature and/or incidents which are imminently life threatening.**
- B. Off duty officers who are or have been consuming intoxicants are prohibited from exercising authority in any jurisdiction pursuant to Wisconsin State Statute 175.40(5).

V. NOTIFICATIONS

Notifications of investigations conducted or arrests made shall be made to the law enforcement agency of the jurisdiction in which the activity occurred as soon as is practical. Notification information should include, at a minimum:

- A. The nature of the offense which precipitates the investigation or arrest.
- B. The identity of any person(s) arrested.
- C. The identity of all officers involved in the actual investigation or arrest.
- D. Any factual data pertinent to the incident which would be significant information for the jurisdictional agency, such as any injuries to any persons or damage to any property as a result of activities related to the arrest.
- E. Any requests for resources or coordinated activity essential to conduct the investigation or arrest.

VI. REPORTS

As soon as practical, any officer making an arrest under Wisconsin State Statute 175.40(5) shall prepare a written report detailing the

facts of the arrest and notifications as required by Section V. of this policy. This report shall be submitted to the arresting officer's supervisor for review and approval. The supervisor shall retain a copy of this report and forward the original to the Chief of Police.

VII. EFFECTIVE DATE

The effective date of this policy is January 28, 2019

William Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-13

INDEX AS: State Wide Arrest Authority

REPLACES: G.O. 17-28

EFFECTIVE: 06-07-2017

WILEAG: 1.6.1, 1.7.4, 1.7.6

SUBJECT: State Wide Arrest Authority

PURPOSE: The purpose of this General Order is to define the authority and provide guidelines for officers to proceed under Wisconsin State Statutes 175.40(6) and 175.40(6m). It is the intent of this General Order to enhance the ability of South Milwaukee Police Officers to respond to life threatening situations outside the City of South Milwaukee, and to take into custody those responsible for the commission of life threatening crimes.

This order consists of the following numbered sections:

- I. ON DUTY, OUT OF JURISDICTION ARRESTS
- II. OFF DUTY ARRESTS
- III. NOTIFICATION
- IV. LIABILITY
- V. EFFECTIVE DATE

I. ON DUTY, OUT OF JURISDICTION ARRESTS

- 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 all of the following 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 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 the officer believes, on reasonable grounds, constitute a felony.
- B. The officer specified in (A) has the additional arrest and other authority under this subsection only if the officer is in compliance with all applicable South Milwaukee Police Department General Order ADM-11: Rules and Regulations and the officer complies with those policies.
- C. For purposes of civil and criminal liability, any peace officer outside of his or her territorial jurisdiction acting under (A) is considered to be acting in an official capacity.
- D. Notification to and cooperation with the law enforcement agency of another jurisdiction regarding arrests made and other actions taken in the other jurisdiction will be ensured as quickly as possible.

II. OFF DUTY ARRESTS

Off duty officers may arrest a person or provide aid or assistance within the State of Wisconsin and outside the City of South Milwaukee if all of the following apply:

- A. The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm.
- B. The action taken would be authorized to be taken under the same circumstances in the City of South Milwaukee.
- C. The action the officer takes responding to the emergency is reasonable and appropriate to the level of the emergency.

- D. The officer is in compliance with all applicable South Milwaukee Police Department General Order ADM-11: Rules and Regulations.
- E. The officer has not consumed alcohol or is under the influence of prescription drug(s).
- F. The officer is in compliance with all sections of this policy.
- G. It is the specific intent of this policy to limit arrest activities of off duty officers, when in another jurisdiction, to only those incidents which are imminently life threatening.

III. NOTIFICATION

- A. Notifications of arrests made or actions taken shall be made to the law enforcement agency of the jurisdiction in which the activity occurred as soon as is practical. Notification information, at a minimum, should include:
 - 1. The nature of the offense, which precipitated the arrest or action.
 - 2. The identity of the person(s) arrested.
 - 3. The identity of officer(s) involved in the actual arrest or action.
 - 4. Any factual data pertinent to the incident, which would be significant information for the jurisdictional agency.
- B. As soon as practical, an officer taking action under this statute shall contact the South Milwaukee Police Department's on duty shift commander and advise them of the actions taken. Upon return to duty, the officer shall immediately submit a memo detailing the circumstances of the action taken.
- C. Officers conducting out of jurisdiction arrests or aid should consider requesting officer(s) from the jurisdiction where the activity is being conducted to assist and/or be present prior to taking action if feasible. (Implicit in this policy is that all other actions taken by off duty officers must be within the

scope and authority of any other civilian).

IV. LIABILITY

- A. For purposes of civil and criminal liability and for purposes of Wisconsin State Statute 895.46, an off duty officer acting outside the City of South Milwaukee as authorized under state statute 175.40(6m) is considered to be acting in an official capacity as an officer of the State of Wisconsin, state employee or agent of the state.
- B. For purposes of Workers Compensation under Wisconsin State Statutes Ch. 102, an off duty officer acting outside the City of South Milwaukee as authorized is considered to be an employee of the state and the officer is eligible for the same benefits as if the officer had sustained the injury while performing services growing out of and incidental to the officer's employment.
- C. An off duty officer acting outside the City of South Milwaukee as authorized here is considered to be performing his/her duty and engaging in his/her occupation.
- D. The authority granted under Wisconsin State Statute 175.40(6m) is in addition to and not in conflict with the authority granted to police officers under state statute 175.40(5) (County Wide Arrest Authority for Milwaukee County law enforcement officers).

V. EFFECTIVE DATE

The effective date of this order is February 14, 2020

William R. Jessup
Chief of Police