

MARSHALL POLICE DEPARTMENT POLICY		TITLE: ENFORCEMENT ACTION OUTSIDE OF TERRITORIAL JURISDICTION	
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POLICY SOURCE: Chief Lee Hellenbrand			TOTAL PAGES: 4
SPECIAL INSTRUCTIONS:			

I. PURPOSE

Wis. Statute 175.40 empowers a law enforcement officer to take enforcement actions within the state of Wisconsin but outside of his or her territorial jurisdiction under certain circumstances. A prerequisite is that the officer's supervisory agency must adopt and implement written policies regarding the arrest and other authority under section 175.40, 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.

This is intended to be such a policy for MRPD law enforcement officers. This policy outlines the circumstances under which Marshall Police Department officers are required to intervene while outside of the territorial jurisdiction of the Village of Marshall and those where officers may take enforcement action.

This policy applies only to those law enforcement officers employed directly by the MRPD and who are on active duty at the time the circumstances occur which give rise to intervention outside the territorial limits of the Village of Marshall. This policy does not extend to, and does not authorize actions to be taken under s. 175.40 by, persons deputized by the Marshall Police Department who are not employed directly by the MRPD. This policy does not apply to officers who are off-duty or acting under a mutual aid request.

II. POLICY

It is the policy of the Marshall Police Department that on-duty officers shall take appropriate enforcement action whenever they encounter any violation of the state criminal code or the state traffic code at any place within the territorial limits of the State of Wisconsin that poses a significant threat to life or of bodily harm. Further, officers may take enforcement action for a violation of county ordinances on the entire width of boundary highways, when in fresh pursuit and in response to any act the officer reasonably believes is a felony. This is in addition to the authority granted in response to a mutual aid request.

III. DISCUSSION

IV. DEFINITIONS

V. PROCEDURE

A. When officer shall act. Marshall Police Department officers shall take intervention or enforcement action when:

1. The officer is on duty and on official business outside of the Village of Marshall but within the State of Wisconsin; and
2. The officer would be authorized to take action if the incident occurred in the Village of Marshall; and

3. The officer is acting in response to:
 - a. An emergency situation that poses a significant threat to life or of bodily harm; or
 - b. An act the officer reasonably believes is a felony.
- B. When an officer may act. Marshall Police Department officers may take enforcement action including making arrests and issuing citations:
 1. On the entire width of boundary highways and on the entire area of boundary intersections, for any violation of either the state criminal code or any county ordinance.
 2. When in fresh pursuit of a person suspected of having committed a violation of either the state criminal code or any village ordinance in the Village of Marshall.
- C. Determining appropriate enforcement action.
 1. This policy authorizes Marshall Police Department officers to act as if they were within the territorial jurisdiction of the Village of Marshall.
 2. When acting under this policy the officer shall comply with all Village of Marshall regulations, policies and procedures.
 3. An officer shall consider a number of factors when determining the nature and extent of intervention action to be taken. These factors include but are not limited to:
 - a. The nature and particular circumstances of the situation.
 - b. The level of threat presented.
 - c. Availability of appropriate equipment and personnel.
 - d. Officer - Subject factors based on a tactical evaluation.
 - e. The officer's assignment and whether taking action will significantly compromise that assignment.
 - f. Other tactical considerations.
- D. Range of appropriate action.
 1. In the case of an emergency situation that poses a significant threat to life or of bodily harm an officer shall take immediate intervention action to prevent such harm or stabilize the situation, or both. The action may include:
 - a. Any combination of stopping, detaining, or arresting a suspect;
 - b. The use of force sufficient to control the situation and in compliance with the Village of Marshall Use of Force Regulation;
 - c. Rendering aid and assistance to victims;
 - d. Identifying and interviewing victims, witnesses and suspects.
 - e. Assisting local law enforcement agency as requested; or

- f. Taking other action that would be authorized under the same circumstances if the events had occurred in the Village of Marshall.
2. When encountering a situation which the officer reasonably believes constitutes a felony, he or she may:
 - a. Take immediate intervention action as outlined above; or
 - b. Notify a local law enforcement agency for appropriate intervention.
 1. In determining the appropriate response the officer shall consider the immediacy and level of threat presented by the crime.
3. Under this guideline an officer may elect to report the incident to local authorities and serve as a witness in a property crime or the officer may elect to intervene with appropriate force and make an arrest in the case of a personal crime that poses a significant threat to life or of bodily harm.
4. An officer is not required to take intervention action, even in the case of violent felonies, when doing so will either compromise the officer's current assignment or when circumstances present an unreasonable risk of escape of prisoners in the officer's custody. In such cases the officer shall at a minimum immediately notify local authorities and take whatever action possible while maintaining the security of any prisoners.
5. When an officer takes action in a circumstance that poses a significant threat to life or of bodily harm, he or she shall:
 - a. Notify the local law enforcement authority as soon as practical;
 - b. Assist and cooperate with local law enforcement agencies;
 - c. Notify his or her supervisor, or the Sheriff's OIC as soon as practical; and
 - d. Upon return to the Village of Marshall, complete a detailed report of the incident and action taken.
6. When in fresh pursuit outside of the Village of Marshall, for an offense committed in Village of Marshall, an officer may take action as if the officer were in the Village of Marshall. In doing so, the officer shall:
 - a. Be in compliance with Village of Marshall regulations, policies and procedures;
 - b. Notify a local law enforcement agency and assist that agency in the investigation of any offenses that occur in that jurisdiction;
 - c. Notify his or her supervisor or the Sheriff's OIC; and
 - d. Complete reports of the incident as required by Marshall Police Department procedures.
7. When acting on boundary highways or in boundary intersections, an officer is not required to make any notification or take action other than that which is required if the incident occurred entirely within the Village of Marshall. This does not prevent the officer from informing the adjoining jurisdiction as a matter of professional courtesy.

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Lee T. Hellenbrand
Chief of Police