
Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Beloit Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Officers possess the powers to preserve the peace as necessary, make arrests and enforce all local and state laws (Wis. Stat. § 59.28(1); Wis. Stat. § 62.09(13)(a)).

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE BELOIT POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Beloit Police Department includes (Wis. Stat. § 968.07):

- (a) When the officer has or reasonably believes that an arrest warrant has been issued in the State of Wisconsin, or a felony arrest warrant has been issued in another state.
- (b) When the officer has probable cause to believe any crime is being, or has been, committed.

100.2.2 OFF-DUTY PEACE OFFICER ARREST AUTHORITY

An off-duty officer may arrest a person outside the territorial jurisdiction of this department, but still in the state, if all of the following apply (Wis. Stat. § 175.40(6m)(a)):

- (a) The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm.
- (b) The officer is taking action that would be authorized under the same circumstances within the territorial jurisdiction of this department.
- (c) The off-duty officer notifies the on-duty supervisor as soon as reasonably practicable, notifies the local law enforcement agency of the county or municipality where the arrest occurred and cooperates with that agency as necessary (Wis. Stat. § 175.40(6m)(a)).

100.3 INTRASTATE PEACE OFFICER ASSISTANCE

This department may request the assistance of law enforcement personnel or may assist other law enforcement agencies as warranted or authorized (Wis. Stat. § 59.28(2); Wis. Stat. § 66.0313(2)).

During any state of emergency declared by the governor or during any training program or exercises authorized by the adjutant general, an officer, when legally engaged in traffic control, escort duty or protective service, may carry out the functions anywhere in the state but shall be subject to the direction of the adjutant general through the sheriff of the county in which an assigned function is performed (Wis. Stat. § 323.16).

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100.3.1 INTRASTATE PEACE OFFICER TRIBAL ASSISTANCE

This department may not respond to a request for assistance from a tribal law enforcement agency at a location outside this jurisdiction unless one of the following applies (Wis. Stat. § 66.0313(4)):

- (a) The governing body of the tribe that created the tribal law enforcement agency adopts and has in effect a resolution that includes a statement that the tribe waives its sovereign immunity to the extent necessary to allow the enforcement in the courts of the state of Wisconsin of its liability under Wis. Stat. § 66.0313 or another resolution that the Wisconsin Department of Justice determines will reasonably allow the enforcement in the courts of the state of Wisconsin.
- (b) The tribal law enforcement agency or the tribe that created the tribal law enforcement agency maintains liability insurance that does all of the following:
 - 1. Covers the tribal law enforcement agency for its liability under law
 - 2. Has a limit of coverage not less than \$2,000,000 for any occurrence
 - 3. Provides that the insurer, in defending a claim against the policy, may not raise the defense of sovereign immunity of the insured up to the limits of the policy
- (c) This department and the tribal law enforcement agency have in place an agreement under which this department accepts liability for instances in which it responds to a request for assistance from the tribal law enforcement agency.

Additionally, the tribal law enforcement agency requesting assistance must provide to the Wisconsin Department of Justice a copy of the resolution, proof of insurance or a copy of the required agreement. The Wisconsin Department of Justice must post either a copy of the document or notice of the document on the Internet site it maintains for exchanging information with law enforcement agencies.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other adjoining states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state (Wis. Stat. § 175.46).
- (b) When an officer enters Minnesota, Iowa or Michigan in fresh pursuit of a person who is in the immediate and continuous flight from the commission of a felony, and in the case of Illinois any criminal offense (Minn. Stat. § 626.65; Iowa Code § 806.1; MCL 780.101; 725 ILCS 5/107-4).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Minn. Stat. § 626.66; Iowa Code § 806.2; MCL 780.102; 725 ILCS 5/107-4).

100.4.1 INTERGOVERNMENTAL AGREEMENT--SOUTH BELOIT AND WINNEBAGO CO., IL

The Department has an existing intergovernmental mutual aid agreement (IGA) with the South Beloit Police Department and Winnebago County Sheriffs Department. The agreement is

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reciprocal across state lines and provides a variety of additional resources and assistance in an expeditious manner. The agreement also identifies operational protocols and parameters for each agency to follow in order to protect the liability concerns of each and to ensure efficient use of each agencies personnel and resources. [See attachment: Intergovernmental Mutual Aid Agreement](#)

This agreement shall be reviewed on an annual basis and any updates or amendments shall be made pursuant to Section 11 of the agreement. Training shall be provided to Department members as updates occur.

Nothing in the agreement supersedes or changes extradition proceedings or procedures for any arrests made out of state.

100.4.2 INTERSTATE MUTUAL AID ARREST POWERS

City of Beloit Police Officers shall act with all of the arrest and other police authority of a law enforcement officer of the Winnebago County Sheriffs Department while within the County of Winnebago. However, the grant of authority is limited to enforcement of laws and arrests for violations of laws similar to the types of law that the law enforcement officers of the City of Beloit Police Department are authorized to enforce or make arrests for regarding violations of in their home state (IGA, Section 4).

100.4.3 AUTHORIZED ACTIVITIES

Subject to the notification protocol in this policy, Department members may provide, respond to or request assistance under this agreement in the following circumstances:

- (a) To provide emergency assistance
- (b) To provide a variety of specialty unit responses
 1. Tactical, Crisis Negotiations, Evidence Technicians, Investigators, Mobile Field Force, K-9, EOD, Water Rescue, Bilingual assistance, command posts, etc.
- (c) To conduct follow-up investigations and make arrests
- (d) To conduct training and joint training exercises
- (e) To conduct prisoner and other necessary transports
- (f) To conduct other official business

100.4.4 NOTIFICATIONS

Department members shall notify the respective jurisdiction whenever a Department member does any of the following in the City of South Beloit or Winnebago County, IL (IGA, Section 5). Notification should occur prior to the activity unless it is impractical to do so.

- (a) Conduct follow-up investigations
- (b) Make an arrest
- (c) Conduct training

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Prior to conducting any of the above activities, Department members shall first advise their shift commander of their intended actions and obtain approval.

The Shift Commander shall ensure appropriate notification is made to the agency involved and to the Rock County Dispatch Center who will notify Winnebago County Dispatch. Such notification may be made directly by the Shift Commander or by the requesting officer as directed.

Unless exigent circumstances exist, Department members should not make an arrest within the borders of South Beloit or Winnebago County, IL unless the respective agency has been notified and is unable to respond immediately.

100.4.5 REQUESTS FOR ASSISTANCE

The Shift Commander should authorize all emergency mutual aid requests or responses pursuant to the agreement. Emergency requests made by the Beloit Police Department shall be made via radio communications through the Rock County Dispatch Center. Shift Commanders shall document all requests made or responded to under this agreement on a Department memorandum and forward via chain of command to the Chief's Office.

Requests for large scale or planned events should be made in writing and forwarded to the Captain of Patrol for review and approval.

Absent extreme exigent circumstances, no Department member shall self deploy pursuant to the authority granted in the agreement.

100.4.6 OFFICER-INVOLVED DEATHS AND CRITICAL INCIDENTS

In the event a Department member is involved in an officer-involved death or other critical incident while providing mutual aid pursuant to this agreement, they shall be bound by the legal requirements in the State of Illinois as detailed in the agreement and supporting document (Winnebago-Boone Integrity Task Force). Additionally, Department members shall follow the Department's Officer-Involved Deaths and Critical Incident Policy. The Lieutenant of Detectives shall be assigned as the Department liaison as required by the task force policy (IGA, Section 10). [See attachment: Winnebago-Boone Integrity Task Force](#)

100.4.7 OPERATIONAL PROCEDURES

The following operational procedures shall apply to any activities performed pursuant to the agreement (IGA, Section 8):

- (a) Department members responding to requests for emergency assistance or specialty unit deployments shall be under the operational control of the requesting agency supervisor.
- (b) A report shall be filed by the Department members involved to document any emergency assistance provided, any arrest, any motor vehicle crash or personal injury or any use of force.

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- (c) Any member responding to a request under the agreement shall be a sworn law enforcement officer.
- (d) While performing activities under the agreement, Department members shall maintain compliance with Department policy. Any perceived conflicts shall be immediately reported to a Department supervisor.
- (e) Radio communications shall be established between the participating agencies in all instances. This may require the requesting agency to provide portable radios to responding personnel if portable interoperability does not exist.
- (f) Jurisdictional boundaries shall be determined by the Geographical Information System (GIS) mapping.

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Wisconsin Constitutions.

100.6 POLICY

It is the policy of the Beloit Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.7 INDIAN COUNTRY

Peace officer powers extend to Indian country pursuant to 18 USC § 1162, except:

- (a) On the Menominee Reservation (41 Fed.Reg. 8516 (1976)).
- (b) In matters of the Indian Child Welfare Act that involve the following:
 - (a) Forest County Potawatomi (62 Fed.Reg. 1471 (1997))
 - (b) Red Cliff Band (61 Fed.Reg. 1778 (1996))
- (c) In Indian child custody matters involving the Lac Courte Oreilles Tribe (46 Fed.Reg. 15579 (1981)).

Otherwise, an officer of the Beloit Police Department has concurrent jurisdiction over a crime committed in Indian country.

100.8 JURISDICTIONAL BOUNDARIES

The Patrol Captain or the authorized designee should be responsible for developing and maintaining jurisdictional boundary maps, ensuring that the maps are provided to all new members and that the maps are readily available to all members in patrol briefing areas and the Communications Center.