



# DIRECTIVES

## Oak Creek Police Department

**Effective Date:**  
July 1, 1992

**Reviewed Date:**  
December 28, 2021

**Sign-Off Date:**  
July 7, 2022

<b>Title:</b>  <h3 style="text-align: center;">COUNTYWIDE ARREST AUTHORITY</h3> <p style="font-size: small;">*State Statute §175.40(6)(d) – Expander of Jurisdiction</p>	<b>Directive Number:</b>  <p style="text-align: center;">7-400</p>	<b>Critical Policy</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<b>Open Record</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Total Pages:</b> <p style="text-align: center;">3</p>

### I. PURPOSE AND OBJECTIVES

It is the purpose and objective of this policy to define the authority and to establish guidelines for officers of this department to conduct investigations and make arrests outside the City of Oak Creek and to provide guidelines for notification regarding those investigations and arrests as required by §175.40(5) of the Wisconsin Statutes.

The authority granted under §175.40(5) is in addition to any other arrest authority, including authority granted under any other law or charter.

These guidelines are intended to ensure that all rights and privileges afforded citizens during arrests will be diligently protected.

### II. POLICY STATEMENT

It is the intent of this policy to enhance the ability of Oak Creek police officers to conduct official investigations outside of the City of Oak Creek but within the boundaries of Milwaukee County, and to arrest and take into custody those responsible for the commission of crimes.

### III. AUTHORITY

Authority for this policy is gained from Wisconsin State Statutes §175.40(5) and this policy, which is required by law.

### IV. INVESTIGATION AND NOTIFICATION

Officers conducting an investigation that requires 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 and request assistance from that agency when circumstances require a cooperative investigation.

Notification 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.

IV. INVESTIGATION AND NOTIFICATION – *Continued*

- 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.
- E. Any requests for resources or coordinated activity essential to conduct the investigation or arrest.

V. ARRESTS

A. Arrests For Crimes Observed

Officers observing a person committing a crime in another jurisdiction within Milwaukee County have the authority to arrest that person. The officer shall immediately notify the law enforcement agency whose jurisdiction the arrest was made in and request an officer from that jurisdiction be sent to the scene of the arrest and request that officer to take charge of the subject. (Requirement for arrests in another jurisdiction is that the action must constitute a crime as defined by Wisconsin State Statute 939.12. This would include criminal traffic offenses).

Upon return to the City of Oak Creek, a complete report of the incident shall be prepared by the officer, if off duty, on his/her next work day unless that next work day is more than 48 hours away; in such cases, the report shall be completed as soon as possible, detailing the facts of the incident and the basis of the arrest. If the arresting officer is off duty at the time of the arrest, they shall immediately notify the shift commander of the incident. A copy of all reports shall be forwarded to the jurisdiction where the event took place as soon as possible.

B. Arrests For Crimes Not Observed

Officers may arrest persons in another jurisdiction within Milwaukee County for crimes not observed by the officer, but based on probable cause that a crime was committed. The offense must be a crime as defined by Wisconsin State Statute 939.12 and not an ordinance violation. When an arrest is made in another jurisdiction under these circumstances, officers shall immediately notify the jurisdiction of the arrest, the circumstances of the arrest, and reports will be completed as noted in the section above and a copy sent to the jurisdiction where the arrest took place as soon as possible. If the officer is off duty, he/she shall notify the shift commander of the circumstances of this incident as soon as possible. If the arrest is made for a crime which took place outside the City of Oak Creek, an officer from that jurisdiction will be requested to take custody of the arrested subject.

C. Arrests Pursuant to a Warrant

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

VI. OFF-DUTY ARREST LIMITATIONS

It is the specific intent of this policy to limit the activities of off duty police officers to those matters which involve **crimes of a very serious nature and/or incidents which are imminently life threatening.**

Off duty officers who are or have been consuming intoxicants are prohibited from exercising any authority under §175.40(5) of the Wisconsin State Statutes.

VII. DEFINITIONS

- A. *Law enforcement officer* has the meaning specified in § 175.46(1)(g) of Wisconsin Statutes.
- B. *Crime* is defined as conduct which is prohibited by state law and punishable by fine or imprisonment or both (§939.12 Wisconsin Statutes). Conduct punishable only by forfeiture is not a crime.
- C. *Arrest* is the act of depriving a person of their liberty by legal authority.
- D. *Jurisdiction* has the meaning specified in §175.40(5) and is restricted to Milwaukee County. Any officer employed by an agency in Milwaukee County with territorial jurisdiction in Milwaukee County has jurisdiction and authority to investigate and make arrests within Milwaukee County.
- E. For purposes of jurisdiction under §175.40(5), *on duty* is defined as those hours normally considered to be part of the officer's regularly scheduled tour of duty or when such officer is performing duties for which compensation may be awarded.

VIII. DISCLAIMER

The Countywide Arrest Authority Policy developed by the Oak Creek Police Department is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of the Countywide Arrest Authority Policy can only be the basis of a complaint by this Department, and then only in a non-judicial, administrative setting.

REFERENCE:

Off-Duty Arrests  
Wisconsin State Statute §175.40(5)



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David R. Stecker  
Chief of Police

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