



POLICY & PROCEDURE

UW-GREEN BAY POLICE DEPARTMENT

SUBJECT:	Law Enforcement Authority, Discretion, and Jurisdiction	SCOPE:	All Employees
CHAPTER:	1 Organization	NUMBER:	1.6.1
DISTRIBUTION:	Policy Manual	EFFECTIVE:	07/24/2016
APPROVED:	Tony Decker, Chief of Police	REVIEWED:	
REFERENCE:	175.40(6)(d), 18 U.S.C. 926,	REVISED:	06/01/2015, 05/01/2020, 05/01/2022

I. PURPOSE

This is a mandatory policy under Wisconsin State Statute §175.40(6)(d).

The purpose of this policy is to define the lawful authority vested in sworn agency personnel.

II. POLICY

Upon assuming the position of police officer with the University of Wisconsin Green Bay Police Department, personnel shall take an oath of office to uphold the Constitution of the State of Wisconsin and the Constitution of the United States, and to faithfully discharge all official duties associated with their position.

With consideration of the situation at hand and in accordance with the following guidelines, officers are expected to take all steps necessary and consistent with their assignment to protect life and property and to enforce the law. The authority to fulfill this mission derives from Wisconsin Statute and the Board of Regents of the University of Wisconsin System.

III. DEFINITIONS

- A. Board of Regents: means the Board of Regents of the University of Wisconsin System ([UWS 18.02\[1\]](#)).
- B. University Lands: means all real property owned by, leased by, or otherwise subject to the control of the Board of Regents.

IV. PROCEDURE

- A. Law Enforcement Authority

1. University of Wisconsin Green Bay Police Officers derive their general authority from §36.11(2), Wis. Stats., which grants the Board of Regents authority to establish a police department, and Section UWS 18.03, which establishes the general powers of University police officers pursuant to §36.11(2) and §939.22(22), Wis. Stats. The authority to arrest is specifically established in §968.07, Wis. Stats.
2. Police Officer shall have jurisdiction on all University Lands subject to the control of the Board of Regents of the University of Wisconsin System. (UWS 18.01, 18.03, 18.04, 36.11)
3. University Police Officers will be deputized under the terms and conditions as set forth by the Sheriff of Brown County.

B. Law Enforcement Authority Outside the Jurisdictional Boundaries of the University of Wisconsin Green Bay

1. §66.0313, Wis. Stats., states that upon request of any law enforcement agency, officers of this agency may assist in the requesting agency's jurisdiction and, while acting in response to the request, shall be deemed employees of the requesting jurisdiction.
2. §175.40(2), Wis. Stats., states, a peace officer may, when in fresh pursuit, follow anywhere in the state and arrest any person for the violation of any law or ordinance the officer is authorized to enforce.
 - a. The fresh pursuit of a person suspected of committing only a misdemeanor or lesser offense who flees into a residence does not meet the criteria for a warrantless entry without other exigent circumstances.
3. §175.40(6) (a), Wis. Stats., states, a peace officer outside his or her territorial jurisdiction may arrest a person or provide aid or assistance anywhere in the state if the following criteria are met:
 - a. The officer is on duty and on official business.
 - b. The officer is taking action that he or she would be authorized to take under the same circumstances in his or her territorial jurisdiction.
 - c. The officer is responding to any of the following:
 - (1) An emergency situation that poses a significant threat to life or of bodily harm.
 - (2) Acts that the officer reasonably believe constitute a felony.

4. When intervention is necessary outside of their jurisdiction, police officers shall turn the investigation over to the appropriate jurisdiction's officers upon their arrival and assist in any way requested.

C. Concurrent Jurisdiction

1. While it is understood that police officers have the authority to take enforcement action on adjoining state highways and city streets, the City of Green Bay Police Department or the Brown County Sheriff's Department shall be the primary responding law enforcement agencies for all calls for police service (i.e. traffic accidents) on adjoining highways or streets.

D. Mutual Aid Agreement

1. Upon request, police officers shall have the authority to enforce State laws, provide aid, or assist anywhere within Brown County in accordance with a "Mutual Aid Request" as authorized by Wis. Stat [§66.0313](#) and Brown County Deputy Sheriff Appointment (see attached Appendix A).
2. Police officers shall respond to an expressed request for assistance from any Brown County Law Enforcement agency, or an officer thereof, unless such response will materially impair the delivery of law enforcement services to the University. It is understood that a request may come when:
 - a. Crimes or incidents occur where normally assigned resources are inadequate
 - b. During periods when unforeseen demands for police service cannot be met
 - c. For the purpose of investigative activities.
3. Prior to accepting a request for assistance the officer must take into consideration the needs of this jurisdiction; for example
 - a. Nature of the call [i.e. active shooter, officer in trouble, vs hurt deer]
 - b. Exigency of the response
 - c. Number of Officers currently on shift
 - d. Distance from campus
 - e. How long the assistance is needed
 - f. Special Events
4. The Chief of Police, his or her designee, or any law enforcement officer, who is receiving assistance, shall assume command of all operations within his or her home jurisdiction. UW-Green Bay Police shall maintain immediate supervision over and responsibility for all responding agency personnel, equipment, and supplies used in rendering assistance.

E. Authority and Responsibility while Off Duty or Acting Pursuant to §175.40

1. University of Wisconsin Green Bay police officers have the same authority off duty as they have on duty, while within the jurisdictional boundaries of the University of Wisconsin Green Bay or while exercising the statutory authority afforded under §66.0313, §175.40(2), or §175.40(4), Wis. Stats.
2. University of Wisconsin Green Bay police officers who are off duty, outside their jurisdictional boundaries and not engaged in police action authorized under §66.0313, §175.40(2); or §175.40(4), Wis. Stats., are authorized to act under the authority granted by §175.40(6m) (a), Wis. Stats., to include making an arrest and providing aid or assistance, but are restricted by policy to remain within the parameters established in section 3., below.
3. The following guidelines apply to off duty officers acting under the authority of §175.40(6m) (a), Wis. Stats. or on-duty officers acting under the authority of §175.40(6) (a).
 - a. The officer must be responding to an emergency situation that poses a significant threat to life or of bodily harm.
 - b. The officer must be taking action that he or she would be authorized to take under the same circumstances in the officer's territorial jurisdiction.
 - c. Prior to acting in response to an emergency, the officer should consider the feasibility of notifying the local law enforcement agency, observing the situation, and reporting to responding officers.
 - d. If circumstances compel intervention, the officer should take action only after considering the tactical situation with regard to his or her own safety and the safety of others. Officer must be cognizant that they might not be readily identifiable as an officer, and shall properly announce his or her identity to participants, bystanders, and responding officers as soon as practical.
 - e. Upon the arrival of officers from the local jurisdiction, the officer shall cooperate fully with the responding officers, complying with any lawful directions given.
 - f. Any person arrested as a result of action authorized by this section shall be delivered into the custody of the appropriate jurisdiction upon their arrival.
 - g. Officers taking action authorized under this section shall notify a University of Wisconsin Green Bay police supervisor as soon as practical and shall prepare a report fully documenting the action.
 - h. Nothing in this section should be construed in a manner that

compels an officer to intervene while off duty and outside of the jurisdictional boundaries of the University of Wisconsin Green Bay.

4. Absent exceptional circumstances, officers shall refrain from taking off-duty police action if they are personally involved in the underlying situation or have consumed alcohol or medication likely to impair judgment.

G. Legal Authority to Carry and Use Firearms

1. *18 U.S.C. 926B* permits qualified active law enforcement officers to carry concealed firearms anywhere in the United States. University of Wisconsin Green Bay officers electing to carry a concealed weapon under the authority granted by *18 U.S.C. 926B* must, by law, be in possession of their University of Wisconsin Green Bay Police Department photo identification card and must not be under the influence of an intoxicant. *18 U.S.C. 926B* does not broaden police authority and officers remain bound by department policy in matters related to the exercise of police authority.
2. Officers shall not violate any State or local law which is in conflict with any authority believed to be permitted by Federal Law. Examples of such are prohibitions on firearm magazine capacity or ammunition type.

H. Application of Professional Discretion

1. Officers are expected to act in compliance with the laws of the United States and State of Wisconsin, University of Wisconsin System Chapter 18, and the rules, regulations, and policies of the department.
2. The severity of enforcement action, officer inaction or the decision to initiate contact or enforcement must not be influenced by race, gender, cultural background, appearance, mental or physical impairment, sexual orientation, socioeconomic standing, educational background, religious belief, or political affiliation.
3. Enforcement action must not be more severe than can be reasonably and objectively justified to serve the interests of the community.
4. A lawful detention, contact, or enforcement activity may not be extended unnecessarily for the purpose of delaying the release or inhibiting the free movement of any person.
5. When engaging in arrest activities, officers shall abide by all state statutes, department policies, and supervisory direction governing arrest and confinement and shall have the discretion to examine possible alternatives as outlined in department policy.

I. Issuance of Employee Identification Cards

1. Upon hire, all employees shall be issued a photo identification card, identifying them as a member of the University of Wisconsin Green Bay Police Department.
2. Each identification card shall minimally contain the following information:
 - a. A photograph of the employee.
 - b. The employee's name and assignment (rank)
 - c. The employee's internal identification number
3. All employees are required to carry their identification card while on-duty.
4. Officers working in an undercover capacity are exempt from #3 above.



April 11, 2022

TONY DECKER, CHIEF OF POLICE

This policy shall become effective either immediately upon my signature or on the last date noted in the Revised Date field of page one. When a revision becomes effective, it shall be the standard and shall supersede all previous versions of the policy. Historical policies shall be maintained for no less than 7 years.