



# MIDDLETON POLICE DEPARTMENT

DATE  
March 29, 2013

POLICY  
1.6.01

SUBJECT: **Authority, Jurisdiction & Identification**

REVIEWED  
November 28, 2017

MRR

**Refer to:** Ord [2.25](#), [4.03\(2\)](#); SS [36.11\(2\)](#), [36.11\(2\)\(a\)](#), [62.09\(13\)](#), [175.40\(2\)](#), [175.40\(4\)](#), [175.40\(6\)\(d\)](#), [175.40\(6m\)](#), [345.11](#), [349.02](#), [968.07](#), [941.20\(3\)\(b\)1](#), [941.23\(2\)\(a\)](#), [941.295\(2\)](#), [941.235\(2\)](#), [941.237\(3\)](#), [941.27\(2\)](#), [941.28\(4\)](#), [941.298\(3\)](#), [968.085\(2\)](#), [800.02](#), [LEOSA of 2004](#), [LEOSAIA 2010](#), [Uniform Act on Close Pursuit](#)  
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## PURPOSE

The purpose of the policy is to ensure that all sworn personnel are familiar with their legal authority and responsibilities, and officers and dispatchers are familiar with the department’s territorial jurisdiction, and guidelines for exercising extraterritorial jurisdiction and concurrent jurisdiction.

## POLICY

It is the policy of the Middleton Police Department that officers properly identify themselves and act within their legal authority and jurisdiction.

### City of Middleton

#### *Authority and Responsibility*

Middleton Police Officers have the authority granted by Wisconsin State Statute [62.09\(13\)](#), and broadened by [968.07](#), [349.02](#), [968.085\(2\)](#), and Middleton Municipal Ordinances [4.03\(2\)](#) and [2.25\(2\)\(a\)](#). Middleton Police Officers have full police powers, duties, and responsibilities, as authorized by the State of Wisconsin and City of Middleton, within the City of Middleton.

Middleton Police Officers are authorized to carry and use weapons under the authority and powers granted to them by Wisconsin State Statutes, the Law Enforcement Officers Safety Act of 2004 (HR218), and exemptions granted under Chapter [941](#) of the State Statutes.

In consideration of the situation, officers are expected to take the steps necessary, consistent with their assignment, to protect life and property, and to enforce the ordinances and laws of the City of Middleton, State of Wisconsin, and the United States of America.

### ***Geographical Boundaries of City's Territorial Jurisdiction***

Every officer and dispatcher shall have access to and make himself/herself familiar with a map showing the geographical boundaries of the City of Middleton. Officers and dispatchers have access to a city map through the Computer Aided Dispatch (CAD/mReach) system, a printed map in the Communications Center, the [Middleton GIS Map](#), and a digital map address map. Review of the geographical boundaries is covered during Field Training for officers and dispatchers.

Verifying the jurisdiction of an address can be done through the Computer Aided Dispatch (CAD/mReach) system, Dane County Public Safety Communications Center, and [Access Dane](#).

### **Boundary Streets**

When the City of Middleton boundary is a street or highway, Officers may enforce any statute or ordinance (municipal court) that they are otherwise authorized to enforce on the entire width, or in entire intersections [ss [175.40\(4\)](#)].

### **Dane County**

An officer may, for a violation that occurred in Middleton, when in fresh pursuit, follow anywhere in the state and arrest any person for violation of any law or ordinance the officer is authorized to enforce [ss [175.40\(2\)](#)].

On duty LESB certified Middleton Police Officers in good standing who are duly qualified electors and residents of the State of Wisconsin are appointed deputies by the duly elected Sheriff of Dane County. Officers may take police actions, issue citations, and make arrests outside of the City of Middleton, but within Dane County, under the following conditions:

1. The actions are within the scope of and arising from the officer's official duties as a Middleton Police Officer.
2. Officers will cooperate with and notify, in advance when practical, local agencies of any non-routine investigation, police action or physical arrest made by Middleton Police Officers in their jurisdiction.
3. Normally officers should notify and defer to the responsible law enforcement agency for observed offenses not stemming from a Middleton incident. Nonetheless, officers may make an arrest or issue citations for an observed criminal misdemeanor, or when there is an immediate danger to persons or property (OWI, Reckless Driving included), or when assigned to a multi-jurisdictional task force.
4. Absent exigent circumstances or assignment to a multi-jurisdictional task force, officers should not make arrests or issue citations for unobserved offences not stemming from a

Middleton incident, but should rather notify and defer to the responsible law enforcement agency if appropriate.

5. All department regulations, policies, and procedures apply in these situations. Furthermore, officers must comply with Dane County Sheriff's Office (DNSO) policy governing use of force, firearms and vehicle pursuits. MIPD policy on the use of force, firearms and vehicles pursuits are in conformity with or more restrictive than DNSO policy.

Upon the request of another Dane County Law Enforcement agency or the 9-1-1 Center, and with approval of the MIPD OIC, Officers may assist the requesting agency within their jurisdiction. Upon that request the assisting officers have full police powers within the requesting jurisdiction (see mutual aid).

### **State**

Middleton Police Officers may provide assistance or make an arrest anywhere in Wisconsin if the officer is acting to respond to an emergency that poses a significant threat of bodily harm, or a felony. The officer must be on duty and on official business, and the action taken would be authorized if it were taken in Middleton [ss [175.40\(6\)](#)].

### **Adjoining State**

The police powers of Middleton Officers do not extend beyond Wisconsin, except as provided for in the [Uniform Act on Close Pursuit](#) and Mutual Aid Agreements. An officer may, when in close pursuit for a felony, pursue into an adjoining state and make the arrest. If an arrest is made in an adjoining state, the arrested person shall be held in the county where the arrest took place until the arrested person can be taken before a judge of the county in which the arrest was made. If the arrest is determined to be lawful, the judge may commit the person to jail to await the issuance of an extradition warrant by the governor.

### **Off Duty**

#### ***Off Duty in the City of Middleton***

Off duty officers in the City of Middleton have the same police officer authority as they have when on duty. However, off duty officers should not use their police authority when:

1. The officer is personally involved. An officer is deemed personally involved where the off duty officer, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with the person to be arrested or any other person connected with the incident. This does not apply to situations where the police officer is a victim of crime.
2. For traffic violations on sight, except when the violation is especially flagrant or involves an accident or driving under the influence of intoxicants.
3. The officer is engaged in off duty employment of a non-police nature, and the officer's actions are only in furtherance of the interests of the private employer.

The officer shall as soon as possible notify the Middleton Police Department's on duty Shift Commander and apprise him or her of the actions taken by the officer while off duty and within the City of Middleton.

Officers shall be aware the provisions of the Identification of Police Officers policy require that officers not in uniform identify themselves before taking any enforcement or corrective action.

### ***Off Duty Outside the City of Middleton***

When outside Middleton and off duty, officers should first consider notifying the responsible law enforcement agency. Normally, unless an officer witnesses a serious crime, or there is an immediate danger to person or property, the officer should defer to the responsible law enforcement agency.

An off duty Middleton officer may arrest a person or provide aid or assistance outside of the City of Middleton, but in the state, if the officer is acting in to response to an emergency that poses a significant threat of bodily harm and the action taken would be authorized if it were taken in Middleton [[175.40\(6m\)](#)].

When an off duty officer elects to take an off duty police action consistent with this policy, the officer should contact the local law enforcement agency or ask others to do so. Officers shall comply with the directions given by the responding officers of the local jurisdiction. An officer who elects to take off duty police action consistent with this policy is engaged in performance of his/her duties, and conduct is governed by the policy, regulations and procedures of this department.

The officer shall as soon as possible notify the Middleton Police Department's on duty Shift Commander and apprise him or her of the actions taken by the officer while off duty and within another jurisdiction.

### **Concurrent Jurisdiction**

The UW Madison Police Department has concurrent police power over property in the City of Middleton that is subject to the jurisdiction of the University of Wisconsin System Board of Regents [[36.11\(2\)](#)]. Such concurrent police authority shall not be construed to reduce or lessen the authority of Middleton Police Officers. The Middleton Police Department will provide primary reporting and investigative services on UW property, upon their request, unless extenuating circumstances exist. The department will provide secondary assists for all other incidents, unless extenuating circumstances exist. WI ss. [36.11\(2\)\(a\)](#) states, in part, "this subsection does not impair the duty of any other peace officers ... to arrest... persons found violating any State law on such property".

Territory owned by and lying near but not necessarily contiguous to the City may be annexed to the City by ordinance enacted by the Common Council [[66.0223\(1\)](#)]. The MRD Compost Site, soccer fields, and dog park at 5211 CTH Q, although not contiguous, are City territory. As such, City ordinances apply and the Middleton Police Department provides primary reporting and investigative services.

### **Identification of Police Officers**

Officers on or off duty and not in full police uniform shall identify themselves as police officers verbally and with a department issued photo identification card prior to taking any enforcement

or corrective action. This also applies to gathering any police information, unless the assignment by its nature precludes such identification.

Officers shall identify themselves by name and rank when requested to do so.

On duty plain clothes officers shall affix their badge on their outer garment, or don identifiable police outerwear, when involved in a police group action where their identity may be questioned by either citizens or other police officers, unless precluded by the immediacy of the incident which makes it impossible to do so. Plain clothes officers on duty shall offer their badge and department issued photo identification card for examination to all persons whom they officially contact.

A police officer in full uniform should present a department issued photo identification card or otherwise verify identity, if identity is questioned by a citizen who the officer feels is sincere in the request and honestly has doubts about the officer's identity.