
Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

It is the policy of the Marquette University 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.

100.3 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)).

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE MARQUETTE UNIVERSITY POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Marquette University 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.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION

An officer outside the territorial jurisdiction of this department may arrest a person if the following conditions are met (Wis. Stat. § 175.40(6)):

- (a) The officer is on duty and on official business.
- (b) The officer is taking action that would be authorized under the same circumstances within the territorial jurisdiction of this department.
- (c) The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm or acts that the officer reasonably believes constitute a felony.

An officer may also enforce any law or ordinance that he/she is otherwise authorized to enforce by arrest or issuance of a citation anywhere in the state when in fresh pursuit or on the entire width of any highway that is a boundary of Marquette University and an adjacent jurisdiction

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While engaged in enforcement action outside the jurisdiction of the Marquette University Police Department, an officer should notify the local law enforcement agency of the county or municipality where the violation occurs, cooperate with that agency as necessary, and notify his/her immediate on-duty supervisor as soon as reasonably practicable (Wis. Stat. § 175.40(6)(d)).

100.3.3 ARREST AUTHORITY OF LARGE AGENCIES OUTSIDE THE JURISDICTION AND WITHIN THE COUNTY

Officers are also authorized to arrest a person anywhere in the county provided that the officer (Wis. Stat. § 175.40(5)):

(a)

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- (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.

100.5 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).

100.6 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))

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- (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 Marquette University Police Department has concurrent jurisdiction over a crime committed in Indian country.

100.7 CONSTITUTIONAL REQUIREMENTS

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

100.8 JURISDICTIONAL BOUNDARIES

The Assistant Chief of Police 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 Command Information Center.