



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 414
[2005 Senate Bill 641]

**Off-Duty Peace Officer Acting
Outside Jurisdiction**

Act 414 addresses the authority of an off-duty peace officer to arrest a person or provide aid or assistance outside of the officer's territorial jurisdiction.

The Act authorizes an off-duty peace officer (as defined in s. 175.40 (1) (c), Stats.) to arrest a person or provide aid or assistance outside of the officer's territorial jurisdiction (but in Wisconsin) if:

- The officer is responding to an emergency situation that poses a significant threat to life or of bodily harm;
- The officer is taking action that he or she would be authorized to take under the same circumstances in the officer's territorial jurisdiction;
- The officer's supervising agency has adopted written policies authorizing off-duty officers to make arrests or provide aid or assistance outside of the agency's territorial jurisdiction; and
- The officer's action is in compliance with the agency's written policies.

The Act requires a supervising agency that adopts written policies to, at a minimum, address: reasonable responses to an emergency situation that poses a significant threat to life or of bodily harm; arrests made in response to such an emergency situation; and notification of and cooperation with a law enforcement agency of another jurisdiction regarding arrests made and other actions taken in the other jurisdiction. A supervising agency may limit an off-duty officer's authority to act outside of the officer's territorial jurisdiction by including limitations in the written policies.

For purposes of civil and criminal liability, an off-duty peace officer acting outside the officer's jurisdiction as authorized under the Act is considered to be acting in an official capacity as an officer of the state, state employee, or agent of the state. For purposes of worker's compensation, an off-duty peace officer acting outside the officer's territorial jurisdiction as authorized under the Act is considered to be an employee of the state and the officer is eligible for the same benefits as if the officer had

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

sustained the injury while performing services growing out of and incidental to the officer's employment with the employing supervising agency. Also, an off-duty peace officer acting as authorized under the Act is considered to be performing his or her duty and engaging in his or her occupation for purposes of duty disability eligibility.

Finally, the Act encourages the Law Enforcement Standards Board to include in its training curriculum protocols for official action by off-duty officers.

Effective Date: The Act takes effect June 3, 2006.

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