

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band



GLIFWC's Law Enforcement Talking Points

presented to

Wisconsin Legislative Council

Special Committee on State-Tribal Relations

October 19, 2004

Issue Statement

Despite 20 years of providing assistance to state and local authorities, Wisconsin's statutes do not recognize GLIFWC's conservation officers as "law enforcement officers" and do not provide them with the same protections afforded to other officers.

Primary Goals

1. GLIFWC and its officers would be afforded comity by the Wisconsin statutes just as federal, out-of-state, and other tribal law enforcement agencies are.
2. GLIFWC officers would be recognized law enforcement officers under Wisconsin's statutes so that they may be certified by the Department of Justice's Standards and Training Board without having to be "employed" by any other agency.

Desired Outcomes

1. Enhanced Safety of GLIFWC Officers
 - GLIFWC officers often work alone, at night, and in isolated areas, and they encounter individuals carrying firearms.
 - Need for radio communication with their counterparts in other agencies.
 - Need for information on the persons/vehicles they encounter.
 - Same recognition and respect afforded to officers of other agencies.
2. Overall Enhancement of Northern Wisconsin's Public Safety Infrastructure
 - GLIFWC officers routinely encounter illegal activities that fall outside of their primary conservation jurisdiction.
 - GLIFWC officers have a track record of "being there" in time of need:
 - Medical Emergencies – Including car accidents, snowmobile accidents, heart attacks, and births.

- Search, Rescue and Recovery – Including boat rescues on Lake Superior, ice rescues, searches for lost persons, drownings, and lost airplanes.
- “Officer Down” and Weapons Incidents – Among first to arrive on the scene where officers from other agencies have been shot and where there have been weapon threats.
- Fugitive Apprehension – Assistance to local law enforcement agencies in locating or apprehending fleeing suspects.
- Referral of Suspects, Information or Potential Evidence to Agency Having Jurisdiction – Until the proper agency arrives, or as otherwise requested, detain suspects, document/report on what they have observed, turn over possible physical evidence, and, if necessary, serve as a witness in court proceedings.

Issues to Consider

1. Access to criminal histories and vehicle registration information – *see* Sections 165.827 (DOJ's transaction information for the management of enforcement systems (TIME)) and 165.83(2)(n) (agencies eligible to receive TIME system information).
2. Protecting GLIFWC's Officers in Criminal Statutes – *see* Section 940.20(2) (battery to a law enforcement officer), Section 946.41 (resisting or obstructing officer), and Section 29.951 (resisting a warden).
3. Authorized Emergency Vehicles – *see* Section 340.01(3), Stats. (equipment and operation of police vehicles), and Sections 346.19 and 346.195 (yielding to emergency vehicles).
4. Mutual Aid/Assistance to State and Local Authorities – *see* Section 175.40 (assistance by officer's outside their jurisdiction or by federal officers) and Section 175.46 (mutual aid agreements).
5. Certification by DOJ's Training and Standards Board – *see generally* Section 165.85, Stats (training standards and certification of persons qualified to be a law enforcement officer).
6. Obstacles to Certification – GLIFWC officers presently may not be “certified” by the Training and Standards Board without being “employed” by a state or political subdivision agency or by a tribal law enforcement agency.
 - Not within definition of a “law enforcement officer” (Section 165.85(2)(c), Stats.) because not employed by the state or a political subdivision of the state.
 - May fit within definition of a “tribal law enforcement officer” (Section 165.85(2)(g), Stats) but:
 - GLIFWC's enforcement activities take place outside of reservations where the treaty rights may be exercised, and
 - Section 165.92(2)(b), Stats., limits a tribal law enforcement officer's authority to enforce state laws only on the reservation of the tribe or on trust lands held for the tribe or for a member of the tribe that employs the officer.
 - Employment at GLIFWC does not count as working for a recognized law enforcement agency for the purposes Training and Standards Board certification.