

**WINONA POLICE DEPARTMENT**

**NUMBER: 102-03 PAGES: 2**

**EFFECTIVE DATE: July 27, 2004**

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**SUBJECT: FRESH PURSUIT/WISCONSIN**

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**1.0 PURPOSE:**

It is the purpose of this general order to establish policy and procedure for the pursuit of a suspected felon into the state of Wisconsin by officers of the Winona Police Department.

**2.0 POLICY:**

Wisconsin Statute 976.04 is our authority to chase someone into the state of Wisconsin if we have reason to believe that the person being chased has committed a felony in Minnesota. It is the intent of this policy that this statute be followed in its entirety any time that an officer chases a person suspected of having committed a felony into the state of Wisconsin. For that reason, the statute is reproduced here in its entirety.

**3.0 WISCONSIN STATUTE 976.04 UNIFORM ACT ON CLOSE PURSUIT:**

**3.1** Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in close pursuit and continues within this state such close pursuit, of a person in order to arrest him on the grounds that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold in custody such person, as members of a duly organized state, county or municipal peace unit of this state have, to arrest and hold in custody a person on the grounds that he has committed a felony in this state.

**3.2** If an arrest is made in this state by an officer of another state in accordance with subdivision 1 (section 3.1 of this general order), he shall without unnecessary delay take the person arrested before a judge of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was lawful, he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state or admit him to bail for such purpose. If the judge determines that the arrest was unlawful, he shall discharge the person arrested.

**3.3** Subsection 1 (section 3.1 of this general order) shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

**3.4** For the purpose of this statute, "state" includes the District of Columbia.

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**3.5** “Close pursuit” as used in this statute includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It also includes the pursuit of a person suspected of having committed a felony, though no felony has actually been committed, if there are reasonable grounds for believing that a felony has been committed. Close pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

**3.6** This section shall be cited as the “Uniform Act on Close Pursuit.”

**4.0** REPORT OF LOCATION:

When a patrol unit is in pursuit of a fleeing felon, the unit shall advise the LEC dispatcher that his/her pursuit is taking him/her across the state line into Wisconsin. The unit will continue to provide information to the LEC regarding his/her progress. This information shall be relayed to the on-duty Supervisor as soon as possible.