

THURMONT POLICE DEPARTMENT

GENERAL ORDER	<i>Date Issued:</i> May 4, 2007	<i>Effective Date:</i> May 4, 2007	<i>Order No:</i> Chapter 7.0
<i>Authority: Chief of Police Gregory L. Eyer</i>		<i>Manual Page No:</i>	
<i>Subject: Agency Jurisdiction and Mutual Aid</i>		<i>Replaces Page No:</i>	
<i>CALEA Standard: 2.1</i>	<i>Distribution: ALL</i>	<i>Amends:</i>	<i>Number of Pages: 10</i>
<i>Related Documents:</i>		<i>Rescinds:</i>	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. PURPOSE:

To specify the situations and the jurisdiction in which a sworn member of the Thurmont Police Department shall have the authority to exercise full police power.

II. POLICY:

Sworn members of the Department will enforce the applicable laws of the Town of Thurmont, Frederick County, and the State of Maryland, that are within their jurisdictional authority. Depending upon the circumstances, officers enforcing these laws will take appropriate enforcement action, which may range from a warning, to a citation, to a physical arrest. Officers will familiarize themselves with the geographical boundaries that comprise the corporate limits of the Town. Jurisdictional maps will be displayed in the Department building for review by all personnel.

III. DEFINITIONS:

CONCURRENT JURISDICTION: the sharing of, or having equal authority within the same jurisdictional boundaries by two or more governmental entities.

FOREIGN JURISDICTION: jurisdiction in which the police officer has no authority (regular or concurrent) except when acting under the special circumstances outlined in this order.

IV. PROCEDURE:

A. JURISDICTION:

1. A Thurmont Police Officer with full police powers has the authority to make arrests for any crimes occurring on any property within the corporate limits of the Town of Thurmont except for:
 - a. Property owned exclusively by the federal government in which there is no agreement in place allowing concurrent jurisdiction; or,
 - b. As limited by law.
2. A Thurmont Police Officer with full police powers has the authority to make arrests (with limitations) outside Town property under the following conditions:
 - a. In Frederick County with Frederick County Sheriff's Office, Maryland State Police, Frederick Police Department, Brunswick, or U. S. Post Office Property located in Thurmont while acting under a Mutual Aid Agreement or Memorandum of Understanding.
 - b. In the State of Maryland while acting under Limited Statewide Jurisdiction; or,
 - c. In the State of Maryland while engaged in fresh pursuit.

B. TOWN JURISDICTION:

1. An officer of the Department will possess and exercise full police power within the corporate limits of the Town; in those areas annexed, and on Town lands located in Frederick County outside the corporate limits, EXCEPT, when limited by law or when an officer's police powers are suspended.

C. OUTSIDE JURISDICTION:

1. An officer may lawfully go or be sent to any point in the State of Maryland in order to investigate and arrest any person(s) for any crime committed within the corporate limits or any other lands of the Town within Frederick County. Absent exigent circumstances, members must

receive Supervisory approval prior to taking action outside Town-owned land, and must notify the highest-ranking on-duty member (or his designee) of the other law enforcement agency in whose jurisdiction they are taking action.

2. A case initiated in the Town may result in a warrant being issued for a person residing outside the Town limits. In these types of cases, if the foreign jurisdiction will not serve the warrant, an officer will notify and coordinate with the other agency and have a member of the foreign jurisdiction accompany them to make the apprehension. Permission to serve a warrant outside the Town limits must be received from the on-duty supervisor prior to execution.

D. LIMITED STATEWIDE JURISDICTION:

The Thurmont Police Department has adopted, effective with the publication of this order, the regulations contained within Criminal Procedure Article 2-102 and Criminal Procedure Article 2-202 of the Criminal Procedure Article of Maryland which grants “limited” statewide jurisdiction to state, local, and federal law enforcement officers which is also known as “extra-jurisdictional authority.” Under the “limited statewide provision,” Thurmont Police officers are granted the authority to make warrantless arrests, conduct investigations, and otherwise enforce the laws of this State, throughout the State, and without limitations as to jurisdiction, under the circumstances and limitations enumerated in this order. When acting under the authority granted in this section, any police officer shall have all the immunities from liability and exemptions as that of a police officer of the Maryland State Police, in addition to any immunities and exemptions to which the police officer may otherwise be entitled.

Officers generally have the same power of arrest under the statewide jurisdiction as they do under Criminal Procedure Article 2-202, however, they are limited as to when they can apply it.

1. An officer may make a warrantless arrest under this section when:
 - a. Participating in a joint investigation with officials from other state, federal, or local law enforcement agencies, when at least one has jurisdiction, or;
 - b. Rendering assistance to a police officer; or,
 - c. Acting at the request of a police officer; or,

- d. An emergency exists and the officer is acting in accordance with Departmental policies and procedures, to implement the authority and powers granted by the statute. An “EMERGENCY” is defined in the statute as a sudden or unexpected happening or an unforeseen combination that calls for immediate action to protect the health, safety, welfare, or property of an individual from actual or threatened harm, or from an unlawful act.
2. Subject to the Limitations Set Forth Above, a sworn member of the Thurmont Police Department has the authority to make warrantless arrests and conduct investigations in other jurisdictions of the State of Maryland when:
 - a. A person commits or attempts to commit any felony or misdemeanor within the officer’s presence or view;
 - b. An officer has probable cause to believe that a felony or misdemeanor is being committed in the officer’s presence or view:
 - c. An officer has probable cause to believe that a person has committed or has attempted to commit a felony, whether or not in the officer’s presence or view;
 - d. Certain other offenses (a misdemeanor as specified in Criminal Procedure Article 2-203) have been committed and unless the person is immediately arrested:
 - i. The person may not be apprehended;
 - ii. The person may cause injury to the person or damage to the property of one or more persons; or,
 - iii. The person may tamper with, dispose of, or destroy evidence.

F. REQUIRED NOTIFICATIONS UNDER LIMITED STATEWIDE JURISDICTION:

When acting under the authority granted by the statute and Departmental regulations, notification must be given to the head of the law enforcement agency, or his designee, with primary jurisdiction where the investigation/enforcement action takes place within a reasonable period of time. The Department standard for a “reasonable period of time” will be within one (1) hour unless articulable exigent circumstances exist, which will be documented in the report.

1. The officer involved will write a report that indicates the name and title of the person in the foreign jurisdiction that was notified, along with the date and time that the notification was made.
2. When an officer is acting under limited statewide jurisdiction granted for participation in joint investigations (i.e. task force), the notification to the head of the law enforcement agency, or his designee, for the jurisdiction entered, will be made at a reasonable time, in advance, of the exercise of police powers.
3. When the Thurmont Police Department is notified by an officer from a foreign jurisdiction (who is acting under limited statewide jurisdiction) of an incident occurring in the Town, the Department will assist the officer as mandated in this order, and notification will be recorded in a report.

G. PROHIBITIONS TO LIMITED STATEWIDE JURISDICTION:

An officer acting pursuant to this grant of authority will not:

1. Enforce the provisions of the Maryland Vehicle Law beyond the Town and Town-owned property;
2. Serve arrest warrants outside Town limits, unless in conjunction with the lawful exercise of jurisdiction under this authority (refer to Section C); or,
3. Use the authority granted here to facilitate or solicit secondary employment activities that would require or place the officer in a position to make arrests for a prospective employer located outside the Town.

H. CONDUCT UNDER LIMITED AUTHORITY STATEWIDE JURISDICTION:

When acting under authority of limited statewide jurisdiction, officers:

1. Are employees of the Town of Thurmont and will abide by all regulations and procedures. The Department will investigate any allegations of misconduct of any Thurmont officer operating under this authority.
2. Must have police powers, be carrying their badge and identification card; and be suitably armed, unless circumstances dictate otherwise;
3. Whose police powers are suspended do not have authority under this provision and will not take any action as a police officer;

4. Will not use their personally-owned vehicle or unauthorized equipment except to protect the officer or others from imminent danger or harm, or threat thereof; and,
5. Will not act under this authority while working within the scope of a security-type secondary employment position, except if acting at the request of, or rendering assistance to, another police officer.

I. CONSIDERATIONS PERTAINING TO STATEWIDE LIMITATIONS:

When acting under such authority, an officer will:

1. Attempt to notify on-duty police officers to take the necessary enforcement action;
2. Assess the consequences of taking action, including the possibility of injury to self, the suspect, or a third party;
3. Determine whether adequate information is available to arrest the suspect at a later time, if appropriate;
4. If practical, identify him/herself to the suspect as a police officer by displaying the badge and identification card, and announcing the intent to arrest.
5. Be prepared to identify him/herself to citizens and other police officers in the vicinity.

J. AFTER ARREST IS MADE WHILE ACTING UNDER STATEWIDE JURISDICTION:

All arrests will be made exercising appropriate safety and in accordance with the Laws of Arrest and the Department's General Orders.

1. Notification must be made to the local agency having primary jurisdiction within a reasonable period of time.
2. Officers will request assistance in securing the transport of the support. Prisoners will not be transported in any personal/private vehicles – only Departmental police vehicles will be utilized.
3. Credentials and badge will be displayed upon arrival on the scene to officers from the primary jurisdiction.

4. Officers will follow the lawful and reasonable orders/directions of the officers from the primary jurisdiction.
5. Officers will cooperate and participate in the processing of the arrested person, as necessary and/or required by:
 - a. Assisting with the transport of the arrested person if in a police vehicle.
 - b. Assisting with the collection and preservation of evidence.
 - c. Preparing any court documents to reflect the proper charges being placed.
 - d. Assisting the local jurisdiction with the preparation of necessary reports, including administrative reports required by the local jurisdiction.
 - e. Upon completion of all such reports, the officer will obtain copies for Thurmont Police Department's records and will forward such reports to the Chief of Police for review.
 - f. Complete any other applicable reports, forms, or documents required by the Department under these circumstances, i.e. Use of Force Reports; First Report of Injury, etc.

K. ARRESTS MADE IN TOWN BY OFFICERS FROM A FOREIGN JURISDICTION:

Generally, officers from a foreign jurisdiction taking action in the Town pursuant to this authority, have the same responsibilities as they would in their own jurisdiction. If an officer from a foreign jurisdiction makes an arrest in the Town, pursuant to limited statewide jurisdiction, officers from this Department will follow usual arrest procedures to include:

1. Responding promptly to the scene and assuming control of the situation to include interviewing the arresting officer and providing direction to him/her.
2. Ensuring the on-duty supervisor has been notified.
3. Rendering assistance to injured parties, securing the scene and preserving evidence.
4. Searching and taking custody of the prisoner from the arresting officer.

5. Arranging for transport, medical attention (if necessary) and processing of the prisoner.
6. Having the arresting officer accompany the Thurmont Officer to the Central Booking Facility and obtaining all information necessary to complete reports.
7. After the foreign officer completes the Statement of Charges, the Thurmont officer to whom custody was relinquished will review it, and the District Court Commissioner's Office will be contacted as the charges can be reviewed prior to the departure of the foreign jurisdiction officer.

L. MUTUAL AID AND MEMORANDUM OF AGREEMENT/UNDERSTANDING:

The Thurmont Police Department has a "Mutual Aid Agreement"/"Memorandum of Agreement" with allied agencies. When they request the Department's assistance via mutual aid, officers will have full police powers for that particular incident in that jurisdiction.

- A. Responding to Calls for Service outside corporate limits of Thurmont:
A Thurmont Police Officer may respond to "Officer Needs Assistance" calls within a reasonable distance without obtaining supervisory approval. However, the responding officers will notify Frederick County Emergency Communications of their response. All other calls for service outside of TPD jurisdiction must require a request and/or approval of a supervisor of the agency with jurisdiction.

M. FRESH PURSUIT WITHIN THE STATE OF MARYLAND:

Criminal Procedure Article 2-301 of the Annotated Code of Maryland allows a Thurmont Police Officer to engage in the fresh pursuit of a person and exercise his/her authority within the State of Maryland if the person has committed a felony in the jurisdiction in which the law enforcement officer has the power of arrest, or has committed a misdemeanor in the presence of the law enforcement officer in the jurisdiction in which the law enforcement officer has the power of arrest.

N. OUTSIDE OF STATE WHILE ENGAGED IN FRESH PURSUIT:

The "Uniform Act in Interstate Fresh Pursuit" gives officers in the State of Maryland the authority to pursue a person who has committed or is reasonably believed to have committed a felony into another state. Once apprehension is made, the arrested party must be taken before judicial officer of that state for

further processing and cannot be transported back to the state of Maryland without a Waiver of Extradition Hearing.

O. ARRESTS ON U.S. POST OFFICE PROPERTY:

The Department has entered into a “Memorandum of Agreement” with the U.S. Post Office authorizing officers to have full powers of arrest on their property. Officers will handle any routine calls for service and take any necessary enforcement action to include arrest, if applicable. Departmental members do NOT have authority to arrest for federal violations. If a crime occurs, which is a federal violation, Postal Police Officers are to be contacted to respond and handle federal violations.

P. ENFORCEMENT AUTHORITY – NATIONAL GUARD/RESERVES:

1. No sworn member of the Department who is a member of the Maryland National Guard or any branch of the United States military reserves will exercise his/her Department law enforcement authority to intervene in any situation while on guard/reserve duty assignment, or while in military uniform.
2. If the Department member is serving as a member of a military unit which is responsible for law enforcement functions at the time and place of assignment, any such functions will be performed only under the powers authorized in that official military capacity, and not by virtue of any law enforcement authority which the person may possess otherwise.

ATTACHMENTS:

DOCUMENT DATES:

Amended Date: June 1, 2011

Review Date:

Review Date:

Rescinds:

Order Written by: Chief of Police

Order Edited and Approved by: Chief of Police

*CALEA Standards included in this Order
Chapter 2*