

## TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



	Title: <b>LIMITED EXTRA JURISDICTIONAL AUTHORITY</b>	NUMBER: <b>658</b>
	EFFECTIVE DATE: August 17, 2015	REVIEW DATE:
	New    X Amends    Rescinds	General Order 658, dated August 27, 2012
AUTHORITY: <b>Alan Goldberg, Chief of Police</b>	CALEA STANDARDS: 1.2.1	TOTAL PAGES: 10

**01 Purpose:** To define the legally mandated authority of county and municipal law enforcement officers to make arrests within the State of Maryland and to establish policies and procedures derived therefrom that are applicable to this department.

**02 Legal Authorities:** Maryland Code statutes authorizing the extraterritorial exercise of police powers by county and municipal officers are:

**A. Law Enforcement Procedures/Fresh Pursuit-in-State.** Codified in the Criminal Procedure Article, Section 2-301.

**B. Law Enforcement Procedures/Authority of Police Officers in General.** Codified in the Criminal Procedure Article, Section 2-102.

**C. Controlled Dangerous Substances/Statewide Jurisdiction for Officers.** Codified in the Criminal Law Article. Section 5-802.

**D. Law Enforcement Procedures/Service of Arrest Warrants.** Codified in the Criminal Procedure Article, Section 2-103.

**E. Law Enforcement Procedures/Mutual Aid Agreements.** Codified in the Criminal Procedure Article, Section 2-105.

1. Mutual Aid Agreement between the City of Takoma Park Maryland and Montgomery County, Maryland. Dated July 14, 2015.

**03 Policy:** In accordance with and notwithstanding the extent of the foregoing Statutory authorities, TPPD officers are granted authority to make warrantless arrests and conduct investigations without regard to jurisdictional boundaries under the following circumstances and limitations:

**A. Circumstances:**

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1. When participating in a joint investigation with officials from other state, local or federal law enforcement agencies, at least one of which has local jurisdiction; or
2. When rendering assistance to another police officer; or
3. When acting at the request of a local or state police officer; or
4. When an “emergency” (an event calling for immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act) exists; **and,**
5. The officer is acting in accordance with the procedures noted herein.

**B. Limitations:** A TPPD officer may make a warrantless arrest in the foregoing circumstances when:

1. A person commits or attempts to commit any felony or misdemeanor in the presence or within the view of the officer;
2. An officer has probable cause to believe that a felony or misdemeanor is being committed in the officer's presence or within the officer's view, and has reasonable cause to believe a person committed such offense;
3. An officer has probable cause to believe that a felony has been committed or attempted, and that such person has committed or attempted to commit the felony whether or not in the officer's presence or view.
4. Certain offenses have been committed, and unless the person is immediately arrested:
  - \* the person may not be apprehended;
  - \* the suspect may cause injury to the person or damage to the property of one or more persons; or
  - \* the person may tamper with, dispose of, or destroy evidence.
5. This General Order limits the above offenses and events that constitute an “emergency” to:
  - \* Felony in progress;
  - \* Violent misdemeanor in progress;
  - \* Destruction of property which could result in injury or death;
  - \* Probable cause to believe that a felony has been committed or attempted;
  - \* Destruction or disposing of, or tampering with, evidence.

6. This General Order limits the initiation, or continuance, of foot, bicycle and/or K9 pursuits across major jurisdictional boundaries (defined as State lines or the border with the District of Columbia) to

those “emergency” events enumerated in Section 03 B 5 above.

**Note:** Limits on vehicular pursuits are defined in GO 702 Section 03 C.

**C. Required Notifications:** When acting under the authorities granted by Sections 03 A and B, notification must be given to the head of the law enforcement agency having primary jurisdiction where the action takes place. Specifically, the following are denoted for notification:

1. The Chief of Police, if any, or designee, when in a municipal corporation;
2. The Chief of Police, or designee, when in a county that has a county police department;
3. The Sheriff, or designee, when in a county without a police department;
4. The Police Commissioner, or designee, when in Baltimore City;
5. The Secretary of Natural Resources, or designee, when on any property owned, leased, operated by or under the control of the Department of Natural Resources;
6. The respective Chief of Police, or designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or Maryland Port Administration; *and*
7. The Department of State Police barrack commander, or designee, unless there is an agreement otherwise with the Department of State Police.

**Note:** Notifications are not required for talking to an individual in another jurisdiction in a non-criminal arrest situation.

**D. Prohibitions:**

1. A TPPD officer may not enforce provisions of the Maryland Motor Vehicle Law beyond the boundaries of Takoma Park unless the City has a Mutual Aid Agreement with that jurisdiction. A traffic stop for an emergency to prevent loss of life or serious bodily harm is permissible and the officer will notify that jurisdiction immediately.
2. A TPPD officer will not serve arrest Warrants outside Takoma Park unless in conjunction with the lawful exercise of jurisdiction under this authority.

3. TPPD officers will not use authority granted herein to facilitate or solicit secondary employment activities that would require or place an officer in a position to make arrests for a prospective employer.

**E. Exception-Montgomery County Jurisdictional Boundaries, Limits on authority to arrest.**

1. Pursuant to the terms of the Mutual Aid Agreement, police officers of either signatory agency may make arrests and exercise related police powers within the jurisdiction or normal patrol area of the other signatory agency in an emergency and/or a non-emergency situation.

2. On-duty Officer - includes an officer in uniform or in a police vehicle in transit to or from work, court, or official business. For purpose of the agreement, the concept of “on-duty officer” is not limited to an officer’s normally scheduled workday.

3. On-duty Takoma Park Officer/Investigator witnesses, or has probable cause to believe there has occurred, outside the City limits but within the jurisdiction of the County, criminal activity which is punishable by incarceration or a serious traffic offense, or when the City Police ask the County Police to provide law enforcement assistance to the City Police outside the boundaries of the County.

4. Serious traffic offense-**includes** an offense that may lead to a license suspension or incarceration and may include reckless driving, driving without a license, driving on a suspended or revoked license, hit-and-run cases, driving without insurance, and fleeing and eluding police officers as well as DUI/DWI offenses, among others. In general, a serious traffic offense is defined as:

- a. An Offense committed in a wanton or willful disregard for the safety of person or property; or
- b. An offense committed in a manner that indicates a wanton or willful disregard for the safety of persons or property; or
- c. An offense that results in an officer’s reasonable belief that the officer or another person is in imminent danger of death or serious bodily injury.

5. The county police has committed, or foresees the need to commit, all of its readily available resources to any present or future police incident or action, such that the County Police needs additional police resources to meet its obligations outside the City, and that mutual aid as provided herein may be provided by the City Police.

**F. Requirements:**

1. Officers acting pursuant to this General Order must act according to law.

2. Officers must act in a professional manner so as not to reflect discredit upon themselves or the Department.
3. Officers must abide by the rules and regulations of this Department.
4. When making an arrest in Montgomery County, outside the City.
  - a. When a City Officer makes any arrest within the normal patrol area of the other signatory agency, that police officer will immediately notify the other police agency; take the suspect for processing to the nearest station of the signatory agency; take the suspect before a District Court Commissioner, if necessary; and prepare any necessary reports.
  - b. All written reports regarding such an arrest shall be done in the format and manner prescribed by the arresting officer's agency.
  - c. All written reports regarding such an arrest, as well as any required by the police department/signatory agency in whose normal patrol area the arrest occurred must be prepared by the end of the officer's tour of duty and a copy forwarded to the agency in whose normal patrol area the event occurred no later than 5:00 pm the next business day.
  - d. Follow-up investigations for all offenses will be conducted by the signatory agency in whose normal patrol area the arrest or event occurred.

**04 Procedures:**

**A. General guidelines - officers acting under this authority:**

1. Must be serving in full duty capacity, without restrictions or limitations. Officers assigned to light duty, disability leave or with suspended police powers, are prohibited from exercising police authority, except in the gravest of circumstances;
2. Must act in accordance with this Department's rules and regulations;
3. Are, at all-time and for all purposes, employees of this Department. As such, there is a duty on this Department to receive and investigate allegations of misconduct on the part of any officer acting pursuant to this General Order;
4. May not serve arrest warrants unless in conjunction with the lawful exercise of jurisdiction under this procedure; (see # 9 for warrant service in Montgomery County outside the City)
5. Must be properly equipped. Officers will carry their badge, identification card and authorized weapon whenever exercising authority granted by this General Order;
6. May not use their personal vehicle or unauthorized equipment;
7. May not use this authority while working within the scope of a security type secondary

employment (outside the City), except if acting at the request of, or rendering assistance to, another officer; and

**8.** Are at all times responsible for the performance of their assigned duties.

**9.** Warrant Service in Montgomery County outside the City in an emergency or non-emergency situation.

a. Prior to attempting warrant service, the officer seeking to serve the warrant shall notify the agency in whose normal patrol area service is being attempted, that the warrant service will be attempted, including the location of service, and the name of the defendant.

b. Whenever possible, an officer of the agency in whose normal patrol area the service is attempted shall accompany the officer(s) attempting service.

c. Prior to attempting service of a Search and Seizure Warrant, the City Officer shall ensure the completion of the Warrant Threat Assessment Matrix (MCP 714) form and shall consult with the County Police Special Operations Division (SOD) Lieutenant or SWAT Sergeant as indicated by the form.

**B.** When an officer exercises the authority granted by this procedure, the following is required:

**1.** First, consideration must be given to notifying on-duty officers in order to have them take necessary enforcement action.

**2.** Officers must assess the situation and determine possible consequences of their actions, to include:

- \* injury to yourself,
- \* injury to the suspect(s),
- \* injury to a third party, and
- \* sufficient probable cause exists to arrest.

**3.** If practical, identify yourself to the suspect as a police officer by displaying your badge and/or ID card. Announce your intent to arrest. Identify yourself to citizens in the immediate area and to responding police officers.

**4.** Arrest the individual in a lawful manner by securing the suspect in a safe, efficient way that ensures the arrestee's safety and security.

5. Seize and protect any evidence.
  6. Notify, or cause the notification of, the local law enforcement agency having primary jurisdiction wherein the arrest has occurred. Request assistance in securing and transporting the arrestee.
  7. Except in extreme circumstances, do not attempt to transport the arrestee. Wait for assistance from the local jurisdiction, if possible. Transport without assistance only as far as necessary to obtain assistance.
  8. Be guided by direction from on-scene local police officials exercising supervisory control over the incident.
  9. As soon as possible, notify, or cause notification to be made, to this Department.
  10. Prepare charging/court required documents.
  11. Cooperate with the local jurisdiction in preparing all of the necessary reports, and
  12. Obtain copies of all associated reports and other pertinent documentation, and submit the copies to this Department with a Police Information Report entitled "EXTRA JURISDICTIONAL ARREST" and all other required reports. Exception is with an offense in Montgomery County where we share the same reporting program. Officers will follow standard reporting procedures and obtain the case number, should the city need a copy of the report.
- C. Notification requirements:** All notifications required by law, as enumerated in paragraph **03 C** of this General Order, will be made. In addition, the arresting officer will, as soon as possible, notify this Department's on-duty shift supervisor.
1. To ensure safety of both City and County Police officers, the City Police will give the County Police reasonable prior notice of any narcotics investigation or undercover enforcement activity conducted in the County, outside the City limits.
  2. In the case of Narcotics Investigations, the notification to the County Police will be given to a supervisor in the Drug Enforcement Section or an Executive Officer in the Special Investigations Division. Such notice will be furnished no less than (4) hours in advance of commencement of such

activity, unless due to an emergency or other exigent circumstances, notice will be as soon as practical. In the case of working the same target, a joint investigation may be more practical.

**D. Joint investigations:**

1. The statute requires that when joint investigations are initiated in another jurisdiction, the designated person (paragraph **03 C**) of that jurisdiction will be notified a reasonable time in advance.
2. Where advance notice would endanger the life and safety of officers, or seriously compromise the effectiveness of the investigation, a reasonable time in advance may be abbreviated. In such cases, the delay in notification must be approved by this Department's Chief. Notice should then be made at the first reasonable opportunity, as determined by the Chief.
3. Notice must be given to each jurisdiction wherein an investigation may occur. In the event that an investigation occurs unexpectedly, notice must be given to the affected jurisdiction at the first reasonable opportunity.

**E. Specific Situations:**

1. Before participating in a joint investigation with another agency, officers must obtain permission from the Chief or designee.
2. The investigative team shall include an officer from the affected jurisdiction.
3. Officers assigned to joint investigations must observe the regulations of this Department.
4. If practical, the officer from the affected jurisdiction will take the enforcement actions required.
5. Officers shall notify their immediate supervisor when the investigation is terminated. Officers will submit a final report.
6. Should an officer be called to testify regarding a joint investigation, he/she shall follow the procedures of this Department.

**05 Responsibilities of Responding Officers:**

- A. Generally, an officer who takes action outside his/her sworn jurisdiction, pursuant to the statutes



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described in prior sections, has the same responsibilities as if they were in their own jurisdiction. If an officer from another jurisdiction/agency makes an arrest in the City, the responding TPPD officer shall follow usual arrest procedures, including:

1. Respond promptly to the scene and assume control of the situation;
2. Render assistance to injured parties;
3. Secure the scene;
4. Act to preserve evidence;
5. Take physical control of the prisoner(s);
6. Arrange for transport, medical attention and processing of the prisoner(s);
7. Direct the arresting officer to accompany you to the booking area;
8. Obtain all information necessary for completing reports. Submit reports in the usual course;
9. Instruct the arresting officer to complete a detailed Police Information Report entitled "EXTRA JURISDICTIONAL ARREST", to be attached to your reports; and
10. Provide the arresting officer with copies of the entire report and all supplements.

**NOTE:** This procedure does not apply to the following officers:

- \* Maryland State Police officers,
- \* Montgomery County officers, and
- \* MNCPPC Park Police officers (on Park property)

When officers stipulated above make an arrest within the City, they will transport and process as they would in any arrest made within their jurisdiction. Takoma Park officers shall attempt to obtain all pertinent information and prepare a Police Information Report entitled "EXTRA JURISDICTIONAL ARREST".

**B. Booking procedures:**

1. Accept custody of the prisoner;
2. Process the prisoner according to established procedure and make arrangements for transport to CPU.

**C. Accepting notifications:**

1. The Chief will accept notifications of joint investigations within the City.
2. The on-duty supervisor is designated to accept notification of enforcement actions taken within this jurisdiction pursuant to statute.
3. The on duty supervisor accepting notification will send a copy of the crime/arrest report to the Chief, via the chain of command, within 72 hours of the arrest.

**06 Miscellaneous:**

- A. A police officer who is injured while taking enforcement action pursuant to this procedure is entitled to worker's compensation, disability benefits, death benefits, life insurance and all other benefits to the same extent as if the injury had been sustained in the City.
- B. A police officer who takes action pursuant to this procedure and statute shall be compensated by this Department in accordance with established procedures, as though he/she acted in the City.
- C. Damage to, or loss of equipment, shall be handled in accordance with existing procedures.