

# La Plata Police Department – General Orders

	Title: <b>Limited Statewide Authority</b>		Order #: <b>317</b>	
	Effective Date: May 15, 2014	Review Date:		
	<input checked="" type="radio"/> New <input type="radio"/> Amends <input type="radio"/> Rescinds			
Approved by: <b>Chief Carl Schinner</b>			CALEA 5 <sup>th</sup> Edition	
CALEA Standard: 1.2.1			Pages: 5	

**01 HISTORY:** In April 1993, Governor William Donald Schaefer signed into law an amendment to the former Maryland Annotated Code Article 27 § 594B, which has been recodified in the Annotated Code of Maryland, Criminal Procedure Article, § 2-102, granting limited statewide jurisdiction to state, local and federal law enforcement officers. Pursuant to the provisions in that statute, law enforcement agencies are required to develop and adopt regulations to implement the law. Accordingly this agency adopts the following regulations.

**02 GRANT OF AUTHORITY:**

**A.** Generally, police officers of the Department are granted authority to make warrantless arrests and conduct investigations without regard to jurisdictional boundaries, subject to the limitations set forth below.

1. Participating in a joint investigation with officials from another state, federal or local law enforcement agency, at least one of which has local jurisdiction; or,
2. Rendering assistance to a police officer; or
3. Acting at the request of a local or state police officer; or,
4. An emergency exists; and,
5. In acting in accordance with these regulations.

**B.** Limitations: A La Plata Police officer may make a warrantless arrest under the provisions stated above when:

1. A person commits or attempts to commit any felony or violent misdemeanor in the presence of or within view of the officer;
2. An officer has probable cause to believe that a felony or violent 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 a person has committed or attempted to commit a felony in the officer's presence or view.

**03 DEFINITION OF EMERGENCY:** An emergency is defined as a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect health, safety, or welfare of any individual from actual or threatened harm or from an unlawful act. Violations of Maryland Vehicle Law do not apply.

**04 NOTIFICATION REQUIRED:** When acting under the authority granted by the law, notification must be given to the head of the law enforcement agency with primary jurisdiction where the action takes place. Specifically, the statute designates the following notifications:

- A. When in an incorporated municipality, to the Chief of Police, if any, or designee;
- B. When in a county that has a county police department to the Chief of Police or designee;
- C. When in a county without a police department, to the Sheriff or designee;
- D. When in Baltimore City, to the Police Commissioner or designee;
- E. When on any property owned, leased, operated by, or under the control of the Department of Natural Resources, to the Secretary of Natural Resources or designee;
- F. When on any property owned, leased, operated by, or under the control of the Maryland Transportation Authority or the Maryland Port Administration, to the respective Chief of Police or designee, or
- G. To the Maryland State Police Barrack Commander having concurrent jurisdiction or designee, unless there is an agreement otherwise with the Maryland State Police.

NOTE: When a police officer is acting under the extra jurisdictional authority granted for participation in joint investigations, the notification to the chief law enforcement officer must be made at a reasonable time in advance of the exercise of police powers.

**05 PROHIBITIONS:**

- A. A police officer acting pursuant to this agreement may not enforce the provisions of the Maryland Vehicle Law beyond the officer's sworn jurisdiction unless the officer is acting under a mutual aid agreement authorized under §2-105 of the Criminal Law article.
- B. A police officer may not serve arrest warrants beyond the officer's sworn jurisdiction, unless in conjunction with

the lawful exercise of jurisdiction under this authority.

- C. An officer may not use the authority granted herein to facilitate or solicit secondary employment activities that would require or place the officer in a position to make arrests for prospective employer.

**06 REQUIRED ACTIONS:**

- A. A police officer acting pursuant to this grant of authority must act in conformance of law.
- B. An officer must act in a professional manner so as not to reflect discredit upon him/herself or the Department.
- C. An officer must abide by the rules and regulations of the Department.

NOTE: A violation of a Departmental rule or regulation does not, and is not intended to, abrogate the legality of any law enforcement action taken pursuant to the authority described herein.

**07 OPERATING PROCEDURES:**

- A. La Plata officers acting under this authority:
  - 1. May not enforce provisions of the Maryland Vehicle Law beyond their sworn jurisdiction;
  - 2. Must be a certified police officer serving in full-duty capacity without restrictions or limitations; except in the gravest circumstances would an officer on light-duty, medical leave or in field training invoke statewide authority.
  - 3. Is subject to this Department's written directives.
  - 4. Is an employee of the Department at all times. As such, there is a duty on the Department to receive and investigate allegations of misconduct on the part of the

officer acting pursuant to this authority.

5. Must be properly equipped. The officer is reminded that should he/she take action pursuant to this authority, the officer must be in possession of Departmental identification and be suitably armed, unless circumstances dictate otherwise, for one's personal safety. Consideration should be given to the equipment available and the possibility of injury to the officer, the suspect, or a third party in the event action is taken without the presence of essential equipment and/or availability of back up assistance, to accomplish a lawful arrest.
6. Should not use the officer's personal vehicle for transporting a prisoner except in an emergency.
7. Is at all times responsible for the proper performance of his/her duties.

**08 NOTIFICATION**

**REQUIREMENTS:** In addition to notifications required in 317.04 of this order officers shall:

- A. Notify Charles County Communications to obtain an incident number; and,
- B. Cause the on-duty Shift Supervisor to be notified, who shall in turn notify the Operations Commander or his/her designee.
- C. The Operations Commander or his/her designee will then notify the Chief of Police as soon as practical given the circumstances of the event.

**09 SPECIAL SITUATIONS:**

**A. Joint Investigations:**

1. The statute requires that notice of a joint investigation be given to the designated individual in the jurisdiction in which the investigation will be conducted in a

reasonable time in advance. Where notice in advance would endanger the life and safety of investigators or seriously compromise the effectiveness of the investigation, a reasonable time in advance may be abbreviated. In such case, the delay in notification must be approved by the Operations Commander or the Chief of Police. Notice should be given to the local jurisdiction at first reasonable opportunity as determined by the approving Operations Commander or Chief of Police.

**2. Joint Investigation Procedures:**

- a. Normally, an officer must be designated by the employing agency as a participant in the joint investigation. Therefore, before participating in any joint investigation with another state, local or federal agency, the office must obtain permission from the Operations Commander via chain-of-command before taking any investigative or enforcement action under authority granted.
- b. The investigative team shall include as one of its members, an individual with local jurisdiction.
- c. The local chief executive or designee shall assign an individual to the team and has the discretion to limit the extent of the individual's participation.
- d. The officer must observe the written directives of this Department in the course of the investigation.
- e. If practical, allow the officer with local jurisdiction to take any enforcement action required.

- f. The officer will notify his immediate supervisor when the investigation terminates and submit an incident report.
  - g. Should an officer be summoned to testify concerning the investigation, he/she shall follow the usual procedures of the Department.
3. Rendering Assistance/Acting at Request/Emergency: Officers will act under authority of this law only when rendering assistance to, or acting at the request of, another officer or in emergency situations. An emergency situation is defined as a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect health, safety or welfare of an individual, actual or threatened harm or from an unlawful act.
- ii. Notify the local agency having jurisdiction, if not already on the scene;
  - iii. Remain at the scene until arrival of the local agency and render assistance as requested; and,
  - iv. Report the incident and extent of involvement to Communications and the on-duty shift supervisor immediately upon being relieved from the scene and, upon return to duty, submit an incident report.

**10 RESPONSIBILITIES OF THE RESPONDING OFFICERS:**

- a. Circumstances which constitute an emergency are defined as:
    - i. Felony in progress;
    - ii. Violent misdemeanor in progress which could lead to injury or death;
    - iii. Destruction of property which could lead to injury or death; and/or,
    - iv. Probable cause to believe that a felony is being or has been committed or attempted.
  - b. Once an officer decides to take action, the officer will:
    - i. Limit action to that which will stabilize the situation;
- A. Handling Arrests:** Generally, an officer who takes action outside his/her sworn jurisdiction pursuant to this authority has the same responsibilities as if he/she were acting within his/her local jurisdiction. If an officer from another jurisdiction makes an arrest, you as the responding, local officer, shall follow usual arrest procedures, including:
- 1. Responding promptly to the scene and assume control of the situation, including giving direction to the arresting officer;
  - 2. Rendering assistance to injured parties;
  - 3. Securing the scene;
  - 4. Preserving evidence;
  - 5. Taking custody of the prisoner from the arresting officer;
  - 6. Arranging for transport, medical attention, and processing of the prisoner;

7. Having the arresting officer accompany you to the station or central processing.
  8. Obtaining all of the information necessary for an incident report and submit same via normal channels.
  9. Instructing the arresting officer to complete a statement regarding the facts of the incident.
  10. Providing the arresting officer with copies of all relevant documents.
- B. Accepting Notification:** An allied officer who acts outside his sworn jurisdiction is required by statute to notify this Department of such activity.
1. The Chief of Police or his/her designee to accept notification of joint investigations which occur in La Plata.
  2. The Shift Supervisor is designated to accept notification of enforcement action taken in La Plata by members of other agencies. Established procedures shall be followed in reporting such activity via chain-of-command.
- NOTE: This notification only pertains to officers acting under the scope of this grant. It does not apply to officers acting under a mutual aid agreement; a task force; or other enumerated authority.

## 11 MISCELLANEOUS ISSUES:

- A. Injuries:** An officer who is injured while taking action pursuant to this law is entitled to worker's compensation disability, death benefits, life insurance and other benefits to the same extent as if the injury has been sustained in the officer's jurisdiction.
- B. Indemnification:** An officer who takes action pursuant to this law and within scope of the Department's Rules and Regulations shall be

indemnified as if they were taking action in La Plata.

- C. Compensation:** A police officer who takes action pursuant to this law shall be compensated by this Department in accordance with established procedures, as though he/she had acted in La Plata.
- D. Property Damage:** Damage to, or loss of, equipment shall be handled in accordance with existing procedures.