



# LIMITED JURISDICTION, IN MARYLAND, OUTSIDE MONTGOMERY COUNTY

FC No.: 514

Date: 12-04-18

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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## I. **Policy**

*Criminal Procedure §2-102 of the Annotated Code of Maryland*, grants **limited** statewide jurisdiction to **law enforcement** officers under certain circumstances. Pursuant to the provisions of that statute, law enforcement agencies are required to develop and adopt regulations to implement the law; before a police officer may exercise the authority granted by the statute. ***It is the policy of this Department to have in place the required regulations.***

## II. **Department Regulation**

Police officers of this department are granted the authority to make arrests, **conduct investigations, and otherwise enforce the laws of the State of Maryland throughout the State** under *Criminal Procedure §2-102* without regard to jurisdictional boundaries, when:

1. The officer is participating in a joint investigation with officials from other state, federal, or local law enforcement agencies, at least one of which has local jurisdiction;
2. The officer is rendering assistance to **another** police officer;
3. **The officer is acting** at the request of a police officer **or State Police officer**; or
4. An emergency exists. An “emergency” is defined as a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of **a person** from actual or threatened harm or from an unlawful act; and The officer is acting in accordance with the rules and policies of this department.

## III. **General Guidelines**

A Montgomery County Department of Police officer, acting under this authority:

1. May not enforce the provisions of the Maryland Vehicle Law beyond Montgomery County’s boundaries.
2. Must be serving in a full duty capacity, able to fully perform all duties and meet all responsibilities required without restrictions or limitations, except under the gravest circumstances.
3. Acts under and is subject to this department’s rules and regulations.

4. Is, at all times and for all purposes, an employee of this department. The department may receive and investigate allegations of misconduct on the part of an officer acting pursuant to this authority.
5. Must carry the officer's badge and credentials at all times when armed.
6. Must give consideration to the availability of equipment and/or back up assistance and the possibility of injury to the officer, the suspect, or a third party in the event action is taken. Officers should consider whether adequate information is available to arrest the suspect later.
7. May not use a personal vehicle or unauthorized equipment.
8. May 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 or when an emergency exists.
9. Is at all times responsible for the proper performance of the officer's duties.

#### **IV. Procedures – Notifications and Actions**

##### **A. Notification Required**

1. When an officer is acting under the authority granted in this subsection, notification of an investigation or enforcement action SHALL be made to the appropriate authority as outlined in ***Criminal Procedure §2-102(c), Notification duties of police officer***. (Refer to the Digest of Criminal Law)
2. When an officer is participating in a joint investigation, the notification required shall be made at a reasonable time in advance.

##### **B. Actions Required**

When an officer exercises authority pursuant to the statute, the following actions are required:

1. Before taking action, consideration must be given to notifying on-duty police officers to have them take the necessary enforcement action, or, at a minimum, officers should identify themselves, including a description, to the local police communications to enable responding officers to better identify them.
2. If practical, officers should identify themselves to the suspect as a police officer and announce their intent to arrest. Officers must be prepared to identify themselves to citizens and responding police officers, and follow local officers' directions. Since the responding officers probably do not know there is a police officer on the scene, think of officer safety when the officers arrive on the scene. (Refer to FC 321, "Identification of Plainclothes Personnel.")
3. Arrest the individual in a lawful manner by securing the suspect in a safe, efficient way that assures the arrestee's safety and security, without unnecessarily endangering the suspect, the officer, or any third person.
4. Seize and protect any evidence.
5. Notify, or cause the notification to be made to, the local law enforcement agency having primary jurisdiction of the arrest and request assistance in securing and transporting the arrestee.
6. Except in extreme circumstances, do not attempt to transport the arrestee. Wait for assistance from the local jurisdiction. If it becomes necessary to transport, only transport as far as necessary to obtain adequate assistance.
7. Assist in the preparation of court documents, in the placement of proper charges against the arrestee, and cooperate with the court officer as directed.
8. Cooperate with the local jurisdiction in preparing the necessary reports and the submission of evidence before leaving the booking area. Officers will obtain two copies of the reports, if possible, and submit one copy to the ***Policy and Planning Division*** and retain a copy for themselves.
9. Complete any required MCP reports, forms, or documents, such as overtime slips, use of force reports, first report of injury, etc.

#### **V. Responsibilities of Responding Officers**

When an officer from another jurisdiction makes an arrest in Montgomery County, officers from this department will follow the usual arrest procedures, including:

1. Promptly respond to the scene and assume control of the situation, including giving direction to the arresting officer.
2. Render assistance to injured parties.
3. Secure the scene.
4. Take action to preserve evidence.
5. Take physical custody of the arrestee.
6. Arrange for transport, medical attention, if required, and processing of the arrestee.
7. Have the arresting officer respond to the booking facility and complete a detailed administrative report on department forms.
8. Obtain all information necessary to complete departmental reports and submit in the usual manner.
9. Provide the arresting officer with copies of any event/incident reports and relevant documents.

**VI. Miscellaneous Liability Issues**

A. Injuries

Should an officer be injured while taking action pursuant to this law and regulation, the officer is entitled to worker's compensation, disability, death benefits, life insurance, and all other benefits to the same extent as if the injury had been sustained in Montgomery County.

B. Property Damage

Damage to or loss of equipment shall be handled in accordance with existing procedures.

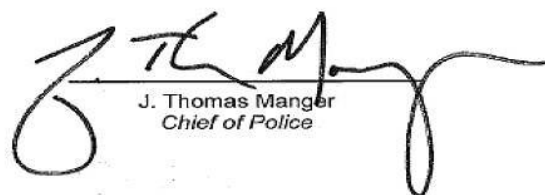
C. Keeping/Obtaining Custody of Arrested Person

1. *In accordance with Criminal Procedure §2-106 of the Annotated Code of Maryland (Custody of arrested persons by peace officers), an officer, who is appointed in the jurisdiction in which a person is arrested, may keep custody of the arrested person in another jurisdiction in which a District Court commissioner is located to bring the person before the District Court commissioner in the other jurisdiction.*
2. *The officer has the same power to keep custody of the arrested person under the above paragraph that the officer has in the jurisdiction for which the he/she is appointed and the arrest is made.*
3. *According to the same statute, an officer, who is appointed in the jurisdiction for which a charging document is issued for a person who is arrested in another jurisdiction, may obtain custody of the arrested person in the other jurisdiction to bring the person before a District Court commissioner in the jurisdiction in which the charging document is issued.*
4. *The officer has the same power to keep custody of the arrested person under the above paragraph that the officer has in the jurisdiction for which the officer is appointed.*

**VII. CALEA Standards: 1.2.1**

**VIII. Proponent Unit: Policy and Planning Division**

**IX. Cancellation: This directive cancels Function Code 514, effective date 03-15-01.**



J. Thomas Manger  
Chief of Police