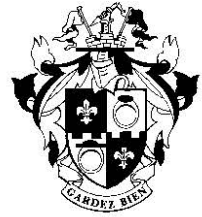




OFFICE OF THE COUNTY SHERIFF

Montgomery County, Maryland

Raymond M. Kight, Sheriff



ADMINISTRATIVE DIRECTIVES

<u>Subject:</u> Statewide Authority	<u>Number:</u> 1.03	<u>Effective Date:</u> 04/06/01
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Page Revision: 11/19/01

Purpose: To establish a procedure fulfilling the legal requirements of **Criminal Procedure Article, Section 2-102** of the Annotated Code of Maryland, specifically relating to the statewide authority to make arrests without a warrant, conduct investigations and otherwise enforce the laws of this State.

Contents:

- I. Authority
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I. Authority

Criminal Procedure Article, Sections 2-102 through 2-104, grants statewide authority to state, local, and federal law enforcement officers under certain circumstances. Pursuant to **Criminal Procedure Article, Section 2-102, (b)(3)(ii)**, the Montgomery County Sheriff's Office has adopted this regulation.

II. Limitations

Pursuant to **Criminal Procedure Article, Section 2-102**, deputies of this office may make arrests without a warrant, conduct investigations and otherwise enforce the laws of this State without regard to jurisdictional boundaries within the State of Maryland, under the following circumstances: **(1.2.1, 1.2.5, 2.1.1)**

- A. The deputy 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.
- B. The deputy is rendering assistance to a law enforcement officer.
- C. The deputy is acting at the request of a local or state law enforcement officer.
- D. 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 an individual from actual or threatened harm or from an unlawful act."

III. Operation Procedures

- A. A deputy sheriff of the Montgomery County Sheriff's Office, acting under this authority:
1. May arrest an individual without a warrant under the circumstances enumerated in ***Criminal Procedure Article, Sections 2-202 through 2-205*** meeting the limitations prescribed in Section II. of this directive.
 2. May not enforce the provisions of the Maryland Vehicle Law beyond the geographical boundaries of Montgomery County.
 3. Must be serving in a full duty capacity, without restrictions or limitations.
 4. Is, at all times, and for all purposes, an employee of this office and acts under and is subject to this office's rules and regulations.
 - Is at all times responsible for the proper performance of their duties. This office may receive and investigate allegations of misconduct on the part of any deputy acting pursuant to this authority.
 5. Is granted all the immunities from liability and exemptions as that of a State Police officer in addition to any other immunities and exemptions to which the deputy may otherwise be entitled.
 6. Must carry their badge and Sheriff's Office credentials at all times when armed.
 7. Must give consideration to the availability of equipment and/or back up assistance and the possibility of injury to the deputy, the suspect or a third party in the event action is taken without the presence of essential equipment or back up assistance.
 8. May not use their personal vehicle or unauthorized equipment.
 9. May not act under this authority while working within the scope of a security related secondary employment position, except if acting at the request of or rendering assistance to another law enforcement officer or when an emergency exists.
- B. Emergency Situations or Rendering Assistance to or Acting at the Request of Law Enforcement Officers Outside of Montgomery County - No Arrest by Deputies of this Office

Deputies must:

1. Identify themselves as a deputy sheriff to the individuals and/or law enforcement officer involved in the situation.

2. Take action that **attempts to** stabilize the situation.
3. Notify or have notified the primary law enforcement agency that has jurisdiction, if not already on the scene.
4. Remain at the scene until the arrival of the law enforcement agency, identify **themselves** to the law enforcement officer and render assistance if requested.
5. Report the incident to their section supervisor or the highest-ranking deputy on duty immediately upon being relieved from the scene.
6. Complete **and submit** an Incident Report (MCSO #9) **detailing the facts and circumstances of the incident and any other required reports, such as Use of Force Report, first report of injury, overtime request, etc.**

C. Arrests - Outside of Montgomery County

Prior to taking any action, consideration **must be** given to notifying on duty law enforcement officers to have them take the necessary enforcement action. Deputies must assess the consequences of actions taken to include the possibility of injuries to themselves, the suspect or a third party, and must consider whether adequate information is available to arrest the suspect at a later time. **If a decision is made to effect an arrest, deputies must:**

1. **If practical**, identify themselves to the suspect as a deputy sheriff by displaying their badge and **Sheriff's Office credentials**, and announcing **their** intent to arrest. **Deputies must identify themselves to citizens and responding law enforcement officers, and follow the directions of the responding law enforcement officers. Responding law enforcement officers may be unaware of the deputy's identity, deputies must think of officer safety when other law enforcement officers arrive on the scene.**
2. 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 deputy**, or **any third** person.
3. Preserve any evidence in the location discovered.
4. Notify, or cause the notification to be made to, the local enforcement agency having primary jurisdiction of the arrest and request assistance in securing and transporting the arrestee.
5. Cooperate with the local jurisdiction and court officer in preparing the court documents and **any** other necessary reports **required by the local jurisdiction. Deputies must obtain copies of the court documents and any reports required by the local jurisdiction.**
6. As soon as practical, report the incident **to** their section supervisor or the highest-ranking deputy on duty.

7. Complete and submit an Incident Report detailing the facts and circumstances of the incident, copies of the court documents, any reports required by the local jurisdiction, and any other required Sheriff's Office reports.
 - Copies of the Incident Report, court documents and any reports required by the local jurisdiction must be submitted by the deputy to the Criminal Division Lieutenant.

D. Arrests - Assisting Law Enforcement Officers From Other Jurisdictions in Montgomery County

Deputies encountering law enforcement officers from other jurisdictions who have made an arrest in Montgomery County under this statute must:

1. Assume control of the situation.
2. Secure the prisoner.
3. Notify the Montgomery County Department of Police to respond and investigate the incident.
4. Act in accordance with the General Operational Procedure 3.27, Crime Scene.

IV. Notification Requirements

- A. When acting under the authority granted by this statute, notification of an investigation or enforcement action must be made to the appropriate authority as outlined in ***Criminal Procedure Article, Section 2-102 (c)***.
- When in an incorporated municipality, to the chief of police, if any, or the chief's designee.
 - When in a county which has a county police department, to the chief of police or the chief's designee.
 - When in a county without a police department, to the sheriff or the sheriff's designee;
 - When in Baltimore City, to the Police Commissioner or the Police Commissioner's designee.
 - 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 the Secretary's designee.
 - When on any property owned, leased, or operated by or under the control of the Maryland Transportation Authority or the Maryland Port Administration, to the respective chief of police or the chief's designee.
 - Unless there is an agreement otherwise with the Department of State Police, to the Department of State Police barrack commander or designee.

- B. *When a deputy is participating in a joint Investigation, advance notice must be given to each jurisdiction in which it is probable that an investigation will occur. In the event an investigation occurs unexpectedly in a jurisdiction for which no advance notice has been given, notice must be given at the first reasonable opportunity.*

V. **CALEA Standards**

1.2.1, 1.2.5, 2.1.1

VI. **Cancellation**

This directive cancels and replaces Administrative Directive 1.03, Effective Date: 05/01/95.

AUTHORITY:



Raymond M. Kight, Sheriff

4/6/01