

## **2.0 AGENCY JURISDICTION AND MUTUAL AID FOR LAW ENFORCEMENT SERVICES**

**POLICY:** The Sheriff's Office shall establish policy regarding jurisdiction within the boundaries of Washington County, Maryland; operational parameters in relation to other enforcement agencies within the county, and mutual aid agreements between the Sheriff's Office and other agencies.

### **DEFINITIONS**

**Jurisdiction:** Sphere of authority during normal operations and territorial limits within which authority may be exercised.

**Exclusive Jurisdiction:** Condition in which the Federal Government retains exclusive jurisdiction on Federal property. The Federal Government must provide Law enforcement service. The Sheriff's Office has no law enforcement jurisdiction.

**Concurrent Jurisdiction:** Condition in which the Federal and State governments jointly hold and exercise jurisdiction, with the Federal Government having the superior authority under the supremacy clause of the Constitution.

**Proprietary Jurisdiction:** Condition in which the Federal Government has relinquished jurisdiction over an area. The State has an obligation and authority to enforce criminal law in the area.

**Low Water Mark:** A rather vague term with no clear legal definition. When referring to a fresh water river, such as the Potomac River, the Low Water Mark, through Supreme Court Decisions, has been determined to be that part of that riverbed where the river runs when not overly influenced by heavy rains or extreme drought. By observing a river over a period of time, the normal bed of the river can be determined.

**Assimilative Crimes Statute (18 USC 13)** - Enables the Federal government to incorporate State law where there is no applicable Federal Statute to cover an offense.

### **2.1.1 Jurisdiction of the Sheriff's Office**

- A. The jurisdiction of the Sheriff's Office encompasses land, water and air within the boundaries of Washington County, Maryland, as specified in this order. The boundary lines for Washington County are as follows:
  - 1. The Northern boundary of Washington County is the Pennsylvania State Line, also known as the Mason Dixon Line.
  - 2. The Western boundary is Sideling Hill Creek, which separates Washington County and Allegany Counties.
  - 3. The Eastern boundary of the County is the Washington County/Frederick County Line.

4. The Southern and South Western boundary of Washington County is the southern waters edge of the Potomac River (low water mark), which divides Maryland from the States of Virginia and West Virginia. The Potomac River is deemed by Colonial Charter, State Law, and Supreme Court Decision to lie within the State of Maryland. Article 75, Section 82, of the Annotated Code of Maryland, states that where water adjoins neighboring State(s), the boundary of the Maryland County abutting the water shall continue to the “ultimate limits of the State”. The United States Supreme Court, in “Maryland v. West Virginia” (217 U.S. 577, 1910), declared the ultimate limits of the State of Maryland to be the “low water mark on the southern bank of the Potomac River”.
5. Fort Ritchie, Maryland - Military Law Enforcement presence has been discontinued, therefore, members of the Washington County Sheriff’s Office will offer complete cooperation when situations arise, where either the U. S. Military or Pen Mar Corporation must enlist the aid of the Washington County Sheriff’s Office.

### **2.1.2 Concurrent (Shared) Jurisdictions:**

- A. Antietam Battlefield, C & O Canal National Historic Park: The State of Maryland now has concurrent jurisdiction in these locations along with the Federal Government. Sheriff’s Office service to these locations will be as follows:
  1. Calls for Service, at these locations, will be referred to the Federal Law Enforcement Agency assigned these locations. If no Federal personnel are on duty, or are unavailable, Sheriff’s Office Personnel will be assigned the call and will take appropriate action. Federal park officials will be advised of serious or continuing criminal activities investigated by the Sheriff’s Office.
  2. Deputies will take appropriate enforcement action at these locations if a criminal act occurs in their presence and no Federal law enforcement officials are present.
- B. Mutual Aid agreements with the Sheriff’s Office and Municipalities

While the Sheriff’s Office has jurisdiction as allowed by law within Washington County, Maryland, it does not routinely respond to calls for service by citizens living in municipal areas that provide law enforcement services. The Department has issued “Memoranda of Understanding” to the Towns of Hagerstown, Hancock, Boonsboro, and Smithsburg, defining the Department’s operational position regarding those areas.

1. Hagerstown, Maryland: The City of Hagerstown maintains a Police Department with personnel and equipment commensurate to the population of Hagerstown, with 24-hour service. Consequently, operational guidelines, for sworn Sheriff’s Office personnel within Hagerstown, will be as follows:

- a. Crimes investigated by the Sheriff's Office, which occur within Washington County, and require investigation within the City of Hagerstown, will be pursued to the fullest by Sheriff's Office personnel. Information obtained by Sheriff's Office personnel relating to crimes committed or to be committed within the City of Hagerstown will be forwarded immediately to the Hagerstown City Police for investigation. It is the responsibility of the investigating deputy to relay the information.
- b. On-site arrests will be made by Sheriff's Office personnel within Hagerstown for criminal and traffic law violations committed in their view if a Hagerstown Police Officer was not present.
- c. The Hagerstown Police Department and Sheriff's Office may request assistance from each other in excess of minimal backup via the Mutual Aid Agreement.
- d. The Hagerstown Police Department may request assistance in an extraordinary type of investigation directly from the Sheriff or his designate.
- e. Calls for service to the Sheriff's Office for crimes/incidents occurring within the City of Hagerstown will be forwarded to the Hagerstown City Police.
- f. Members of the Sheriff's Office, whenever necessary or possible, will back up officers of the Hagerstown City Police.
- g. In the event Sheriff's Office personnel, (excluding Narcotics Task Force), are operating within the City of Hagerstown while in plain clothes; i.e., overtime assignment, stake-out, warrant service, etc., the Hagerstown City Police will be notified of the activity to include personnel assigned and times/places of assignment.
- h. A committed crime which continues through areas in and out of Hagerstown; (i.e., kidnapping on Rt. 40 west, where the victim is taken into Hagerstown and sexually assaulted), will be handled by the Sheriff's Office as follows:
  - 1) The agency within whose jurisdiction the incident began will investigate the crimes. In cases where the investigation extends into Hagerstown, assistance will be requested from the Hagerstown Police Department.
- i. Requests to the Sheriff's Office from other law enforcement agencies for routine services; i.e., checks for vehicles, warrants, notifications,

etc., will be done if time and manpower allow. Granting such requests will be at the discretion of the Duty Officer. A CAD event sheet will be initiated whenever assistance is given to another agency. Cooperation will be extended whenever possible.

2. Boonsboro, Hancock, and Smithsburg, Maryland: They maintain a police department, but do not provide 24-hour coverage. Calls for service, when the Town Officer is on duty, will be forwarded to that department. When the Town Officer is not on duty or is otherwise unavailable, the Sheriff's Office will respond to calls for service in the town and investigate such calls to the fullest. Deputies will assist the Town Police Departments when necessary and available. Deputies will take enforcement action on violations committed within their presence.
3. Nothing in this section prevents deputies from making checks of any incorporated area, or from establishing contacts with other enforcement agencies personnel within Washington County. Operational relationships between the Sheriff's Office and State/Local Entities will be agreed upon through Memoranda of Understanding.
4. The goal of all enforcement agencies within Washington County is safety and well being of the populace. The immediate safety and well being of the citizens will be the determining factor in assignment and disposition of calls for service.
5. Sworn personnel of the Sheriff's Office, while taking enforcement action outside of Washington County, but within the State of Maryland, will not be held civilly liable for their actions in preventing or attempting to prevent a crime or in effecting an arrest in order to protect life and/or property if:
  - A. The action is not grossly negligent, and
  - B. The action is taken at the scene of the crime or attempted crime. (Courts and Judicial Proceedings 5-605).

### **2.1.3 Mutual Aid Agreements**

- A. The State of Maryland has controlling legislation, which governs mutual aid agreements. All agreements will address these issues:
  1. The legal status of agencies and agency personnel responding to mutual aid requests;
  2. Procedures for vesting provider agency personnel with the legal authority to act within the receiver agency's jurisdiction;
  3. Procedures for requesting mutual aid;

4. Identity of those persons authorized to request mutual aid;
  5. Identity of persons to whom outside personnel are to report;
  6. Procedure for maintaining radio communication with outside personnel;
  7. Expenditures, if any, which should be borne by the receiver agency to compensate for the use of the provider agency's resources; and
  8. Procedures for review and revision if prescribed in the agreement.
- B. The Sheriff's Office has Mutual Aid Agreements with several jurisdiction, they are on file with the Office.
1. Jurisdiction for the Hagerstown Police Department lies solely within the city limits of Hagerstown, Maryland. Therefore, absent a Mutual Aid Agreement, a question of possible liability exists whenever the Hagerstown Police Department is requested to go out of jurisdiction to assist the Sheriff's Office.
  2. The governing bodies of Washington County and the City of Hagerstown, pursuant to the Criminal Procedures Article (CPA), 2-105, have entered into a "Police Mutual Aid Agreement" between the Washington County Sheriff's Office and the Hagerstown Police Department. By virtue of that agreement, the Hagerstown Police Department, when requested by the Sheriff's Office to assist outside their jurisdiction, are granted extension of police powers, and relieved from liability as enjoyed by that department while operating within their own jurisdictional boundaries.
  3. The agencies listed below have signed agreements and are on file with the Washington County Sheriff's Office.
    - a. Town of Smithsburg, Maryland - Agreement of Mutual Aid
    - b. Town of Hancock, Maryland - Agreement of Mutual Aid
    - c. Town of Brunswick, Maryland - Agreement of Mutual Aid
    - d. Frederick County Sheriff's Office - Agreement of Mutual Aid
    - e. Allegany County Sheriff's Office - Agreement of Mutual Aid
    - f. MD Department of Natural Resources, Forest, Park and Wildlife Service - Memorandum of Understanding
    - g. Maryland State Police

h. Town of Boonsboro, Maryland – Agreement of Mutual Aid

**2.1.4 Where and How to request assistance from Federal Law Enforcement Agencies**

The Sheriff's Office will strive to maintain a good working relationship with Federal Law Enforcement agencies by cultivating an atmosphere of cooperation and information sharing. Assistance from a Federal Agency can often expedite the disposition of a case due to the Federal Agency's jurisdictional authority and advanced equipment. The appropriate Federal Agency may be contacted when the violation of a State law also constitutes a violation of Federal Statutes, or in other instances when an investigation would be of mutual interest to the Sheriff's Office and the Federal Agency. Federal Agencies with which Sheriff's Office personnel may have reason to interact with include:

- A. The Federal Bureau of Investigation. Crimes which would be under the purview of the Sheriff's Office and the F.B.I. include:
  - 1. Bank robberies
  - 2. Kidnapping
  - 3. Thefts with articles crossing State Lines
  - 4. Unlawful flight to avoid prosecution interstate
- B. The Drug Enforcement Agency. Assistance in the investigation of significant drug trafficking operations.
- C. Alcohol, Tobacco, and Firearms. Assistance in investigating use of explosives, illegal firearms, black market operations; i.e., illegal sales.
- D. U. S. Marshals. Pursuit of felons for which Federal Warrants are outstanding.
- E. Secret Service/Treasury. Counterfeiting, credit card offenses, threats toward government officials, etc.

The above list is not all-inclusive. Contact numbers for the above agencies will be maintained in Communications. The initial request for assistance of a Federal Agency will be coordinated through the supervisor. The Patrol Commander will be informed of joint investigations between the Sheriff's Office and a Federal Agency.

**2.1.5 Extra Jurisdictional Authority**

- A. The Criminal Procedures Article (CPA), 2-102, defines those situations when a law enforcement officer may make an arrest without a warrant.

That law grants Federal, State, County, and Municipal law enforcement officers'

extra jurisdictional authority within Maryland. A Washington County Sheriff's Office law enforcement deputy may make a warrantless arrest in the State of Maryland outside of Washington County under provisions of CPA 2-102 when:

1. They are participating in a joint investigation with law enforcement officials from a Federal, State, or Local agency, at least one of which has local jurisdiction.
2. They are rendering assistance to a police officer.
3. They are acting at the request of a local or state police officer.
4. An emergency exists, and the deputy is acting in accordance with these regulations. An "emergency" may be 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 or an individual from actual or threatened harm or from an unlawful act".

B. CPA 2-103 defines those situations when a law enforcement officer may make an arrest outside the law enforcement officer's jurisdiction if a warrant has been issued against a person.

1. A Washington County Sheriff's Deputy may arrest a person on a warrant outside of Washington County when:
  - a. A warrant has been issued against the person,
  - b. The law enforcement deputy is participating in a joint operation that has been created by an agreement between the primary law enforcement officers (as listed in 11105.06 of this order)
  - c. The arrest occurs within one of the participating jurisdictions pursuant to the agreement in paragraph two of this section, and
  - d. The law enforcement deputy is acting in accordance with regulations adopted by this agency.
2. When acting under the authority granted in CPA 2-103, the law enforcement deputy shall have 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 law enforcement deputy may otherwise be entitled.
3. Any law enforcement deputy who uses the authority granted under CPA 2-103 shall at all times or for all purposes, remains an employee of the respective employing agency.

C. Prohibitions

1. Personnel may not enforce provisions of the Maryland Vehicle Law beyond the boundaries of Washington County (excluding charges stemming from hot pursuits).
2. Personnel will not serve arrest warrants outside Washington County, unless in conjunction with the lawful exercise of jurisdiction under this authority.
3. Personnel will not use the authority granted by this procedure to facilitate or solicit secondary employment activities that would require or place the deputy in a position to make arrests for a prospective employer.
4. Personnel may not use their personal vehicles or unauthorized equipment in the exercise of this authority.

D. Requirements When Exercising Extra Jurisdictional Arrest Authority

1. Personnel acting pursuant to this authority must act in conformance with the law.
2. Personnel must act in a professional manner so as not to reflect discredit upon themselves or the department.
3. Personnel must abide by the rules and regulations of this department.

E. Procedure When Exercising Extra Jurisdictional Authority

1. General guidelines.
  - a. Personnel must be serving in a full duty capacity without restrictions or limitations. For example, personnel on sick leave or with suspended law enforcement powers are prohibited from exercising police powers under this procedure except in the gravest of circumstances.
  - b. Personnel must act in accordance with agency rules and regulations.
  - c. The Sheriff's Office will receive and investigate allegations of misconduct on the part of any personnel acting pursuant to this procedure.
  - d. Personnel must be properly equipped before exercising this authority to include badge, identification card, and authorized weapon. Consideration must be given to the equipment available and the possibility of injury to agency personnel, suspect, or third party in the event action is taken without proper equipment and/or availability of back up assistance.



- e. Personnel will, at all times, be responsible for their actions and assigned duties.

## 2. Required Actions

- a. Before exercising extra jurisdictional authority, personnel will notify, or cause to be notified, an agency having jurisdiction to take enforcement action, if at all possible.
- b. Before taking action, personnel should, if possible, assess the consequences of actions to include possible injuries to one's self, suspect, or a third party. Consider whether adequate information is available to arrest the suspect at a later time.
- c. If possible and practical, identify yourself to the suspect as a deputy sheriff. Display your badge and identification card, and announce your intent to arrest, if appropriate. Be prepared to identify yourself as a deputy sheriff to citizens in the vicinity if not in uniform, and to responding deputies or police officers. Follow the orders of officers arriving on the scene, as they may not know you are a law enforcement officer.
- d. Arrest the suspect in a lawful manner by securing the suspect in a safe, efficient way that assures the arrestee's safety and security, without unnecessarily endangering any parties involved. Remember that all facets of agency policy as well as correct procedure dictated by law are still in effect.
- e. Seize and protect evidence.
- f. Notify, or cause 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.
- g. Except in extreme circumstances, do not transport the arrestee. Wait for assistance from the local jurisdiction, if at all possible. If necessary to transport without local jurisdiction support, transport only so far as necessary to obtain adequate assistance.
- h. Be guided by directions from on scene local police officials exercising supervisory control over the incident.
- i. Cooperate and participate in the handling of the arrestee and handling of evidence.
- j. If Washington County Sheriff's Office personnel are involved in an

extra jurisdictional activity, they will, as soon as practical, notify or cause notification to be made to this department, the local jurisdiction official designated for notification, and except in Baltimore City, the Maryland State Police Barracks having concurrent jurisdiction.

- k. Prepare charging documents as required.
- l. Cooperate with local jurisdiction in preparing the necessary reports and submission of evidence. Normally the local jurisdiction will have the responsibility for completing offense reports of the incident. Complete a written report of your actions for the local jurisdiction. Request a copy of the local jurisdiction's investigative report and of your report. Initiate an agency incident number and submit reports for filing within 24 hours.
- m. Complete any other reports required by this department; i.e., overtime forms, use of force reports, injury reports, etc., as applicable.

### 3. Notification Requirements

- A. When acting under CPA 2-102 or 2-103, the following are defined as Primary Law Enforcement officers and notifications of investigation or enforcement action shall be made:
  - 1. When in an incorporated municipality, notify the Chief of Police or his designate.
  - 2. When in a county that has a county police department, to the Chief of Police or the Chief's designate.
  - 3. When in a county without a police department to the Sheriff or the Sheriff's designate.
  - 4. When in Baltimore City to the Police Commissioner or the Commissioner's designate.
  - 5. 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 designate.
  - 6. 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 the Chief's designate.
  - 7. Under CPA 2-102, to the local Maryland State Police Barrack Commander or his designate.

8. Under CPA 2-103, to the secretary of the Maryland State Police
  9. Duty Officer of the Washington County Sheriff's Office. To the extent possible, agency personnel involved in such activities will keep the department informed of their locations.
4. Joint Investigations - In situations where agency personnel desire to participate in a planned joint investigation with another agency outside of Washington County, the following will apply:
  - A. CPA 2-102, requires that notice of a joint investigation be given to the designated agency individual having jurisdiction over the locale within a "reasonable time in advance" of the investigation. What constitutes a reasonable time in advance may depend on the nature and object of the investigation.
  - B. 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 a case, the delay in notification must be approved by the Patrol Commander or higher authority. Notice should then be given to the local jurisdiction at the first reasonable opportunity. 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 will be given at the first reasonable opportunity.
  - C. Personnel desiring to participate in joint investigations with another agency will request permission from the Patrol Commander before taking any investigative or enforcement action under authority granted. Such requests will be writing, will specify the reason for the joint investigation, and will give related agency cases, if any.
  - D. The investigative team will include, as one of its members, an individual with jurisdiction in the locale of the investigation.
  - E. The local chief law enforcement officer or his designate shall assign an individual to the team. The chief law enforcement officer has the discretion to limit the extent of that individual's participation.
  - F. Agency personnel are bound by Sheriff's Office rules and regulations during the course of the investigation.
  - G. If at all possible, enforcement action; i.e., making arrests, service of warrants, effecting searches, will be deferred to the officer having

local jurisdiction.

- H. Personnel will advise the Patrol Commander immediately when a joint investigation terminates, and will submit appropriate reports detailing his/her actions outside of Washington County.
- I. Should a deputy be summoned to testify concerning a joint investigation, disposition/logging of summons will be conducted according to agency policy.

5. Activities During Emergencies

- A. If possible, limit actions to that which will stabilize the situation.
- B. Notify or have notified the primary responsible agency that has jurisdiction if not already on the scene.
- C. Remain at the scene until the arrival of the primary agency and render assistance, if requested.
- D. Report the incident and extent of involvement to Duty Officer immediately upon being relieved from the scene, and complete a written report within 24 hours (Criminal Investigation Report).

6. Responsibilities of Responding Personnel

- A. Arrests - Generally, an officer who makes an arrest outside his sworn jurisdiction, pursuant to this authority, has the same responsibilities as if he were acting in his own jurisdiction. If an officer from another jurisdiction makes an arrest, agency personnel should follow usual arrest procedures to include:
  - 1. Upon notification of an arrest, local personnel should respond promptly to the scene and assume control of the situation, including giving direction to the arresting officer.
  - 2. Render assistance, if necessary, to injured parties.
  - 3. Secure the scene.
  - 4. Act to preserve evidence.
  - 5. Take physical custody of the prisoner from the arresting officer.
  - 6. Arrange for transport or medical attention, if necessary, and processing of the prisoner.

7. Request arresting officer accompanies you to the department to complete charging documents. Obtain information necessary to complete investigative reports.
8. Submit reports per agency policy.
9. Instruct the arresting officer to complete a detailed administrative report on agency forms.
10. Provide the arresting officer with copies of his reports, this department's reports, and any other relevant documents.

7. Accepting Notification

- A. An officer who take enforcement action outside his sworn jurisdiction within Washington County, (excluding Hagerstown, Smithsburg, Boonsboro, or Hancock), is required by statute to notify this department of such activity. The Patrol Commander or the Duty Officer is designated to accept notification of joint investigations or other enforcement activity by foreign personnel within Washington County.

8. Injuries

- A. A police officer who is injured while taking action, pursuant to this law, 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 within Washington County.

9. Compensation

- A. Personnel taking action, pursuant to this law and agency policy shall be compensated in accordance with established procedures as though he/she has acted in his own jurisdiction.

10. Property Damage

- A. Damage to or loss of equipment shall be handled in accordance with existing agency policy.

14. Extra Jurisdictional Activity Log

- A. A log will be maintained in the Communications Room to document extra jurisdictional activity. Entries will be made on the log for such activity by agency personnel outside of Washington County, and for activities by non-agency personnel within Washington County.