



Ocean City Police Department

General Order

Subject: Extra-jurisdictional Authority		No. G.O. 400 J-1	
Rescinds:	Amends: 400 J-1 (10/18/1993)	Related Directive: G.O. 400 E-1 and G.O. 200 B-2	
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I. Purpose

The purpose of this Policy is to provide guidance regarding extra-jurisdictional authority allowed by State law and the mutual aid agreement between the Town of Ocean City and Worcester County. Specific departmental requirements and mandates while acting under this authority and agreement are outlined to assure compliance.

II. Definitions

- A. **Emergency:** 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.
- B. **Mutual Aid:** An exchange of services, personnel, and/or equipment between law enforcement agencies during times of emergency.

III. Policy

It is the policy of this Department to support the appropriate use of extra-jurisdictional police powers granted by law. When exercising this authority, officers must act in compliance with the provisions of the law, the rules and regulations of the Department, and agreements made between Worcester County and the Town of Ocean City regarding mutual aid.

IV. Authority

The Ocean City Police Department has the primary responsibility for providing law enforcement services within the Town of Ocean City. The Code of Ocean City contains the corporate limits of the Town. A current map containing the geographical boundaries of Ocean City shall be maintained as part of this policy.

The Maryland Code, Criminal Procedure, Title 2 grants authority to sworn employees to make warrantless arrests and conduct investigations in jurisdictions throughout the State of Maryland subject to the provisions of this section (Section IV), sub-section " F" when:

- A. A person commits or attempts to commit any felony or misdemeanor within the officer's presence or view;
- B. An officer has probable cause to believe that a felony or misdemeanor is being committed in the officer's presence or view, and the officer reasonably believes the person to have committed such offense;
- C. 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 a felony whether or not in the officer's presence or view;

- D. An officer has probable cause to believe that an enumerated misdemeanor has been committed, and that unless the person believed to have committed the offense is immediately arrested:
 - 1. The person may not be apprehended;
 - 2. The person may cause bodily injury or damage to the property of one or more persons; OR,
 - 3. The person may tamper with, dispose of, or destroy evidence.

- E. The misdemeanors specified in the statute are:
 - 1. Manslaughter by vehicle or vessel;
 - 2. Malicious burning, or an attempt to commit the crime;
 - 3. Malicious mischief (M.D.O.P.), or an attempt to commit the crime;
 - 4. A theft crime where the value of the property or services stolen is less than \$500, or an attempt to commit the crime;
 - 5. The crime of giving or causing to be given a false alarm of fire;
 - 6. Indecent exposure;
 - 7. A crime that relates to controlled dangerous substances, or an attempt to commit the crime;
 - 8. The wearing, carrying, or transporting of a handgun under § 4-203 or § 4-204 of the Criminal Law Article;
 - 9. Carrying or wearing a concealed weapon under § 4-101 of the Criminal Law Article; and
 - 10. Prostitution and related crimes;
 - 11. Domestic abuse; and
 - 12. Stalking.

- F. Officers may also make a warrantless arrest outside of their normal jurisdiction when:
 - 1. Participating in a joint investigation with officials from another state, federal, or local law enforcement agency having local jurisdiction; OR,
 - 2. Rendering assistance to a police officer having "local" jurisdiction; OR,

3. Acting at the request of a local or State police officer; OR,
4. An emergency exists

V. Pursuit

This section deals solely and specifically with the legal authority to engage in extra-jurisdictional pursuits. Vehicle pursuit procedures and protocols are covered in General Order 400 E-1, Vehicle Operation.

- A. A police officer may engage in fresh pursuit either by vehicle or on foot of a person who:
 1. Has committed or is reasonably believed by a law enforcement officer to have committed a felony in the jurisdiction in which the law enforcement officer has the power of arrest; or
 2. Has committed a misdemeanor in the presence of a law enforcement officer in the jurisdiction in which a law enforcement officer has the power of arrest.
- B. A police officer who is engaged in fresh pursuit of a person may:
 1. Arrest the person anywhere in the State and hold the person in custody; and
 2. Return the person to the jurisdiction in which a court has proper venue for the crime alleged to have been committed by the person.
- C. A police officer may engage in fresh pursuit into Delaware and may arrest, detain and take persons without unnecessary delay before a Justice of the Peace in the County where the arrest occurred, when the person is believed to have committed any criminal act or traffic violation in Ocean City.
- D. Officers may engage in fresh pursuit of a suspect onto U.S. Government Property (Coast Guard Station) if escape is imminent or apprehension will not be made due to lack of identification. The base commander will be informed immediately of the arrest and the reason. At all other times, the officer will meet with the base commander giving the reason for taking official action on U.S. Government Property. If a problem arises, the officer's supervisor shall contact the Group Commander, United State Coast Guard, Chincoteague, Virginia (804-336-6511). Officers do not have the authority to investigate any offense which occurs on U.S. Government Property other than the lobby of the U.S. Post Office.

VI. Rules and Regulations

Officers acting under the authority of extra-jurisdictional police powers:

- A. Must abide by all Department rules and regulations. A violation of a Departmental rule or regulation does not, and is not intended to, abrogate the legality of any law enforcement action pursuant to the authority granted by law.
- B. Must act in a professional manner so as not to reflect discredit upon themselves or the Department
- C. Must be serving in a full duty capacity, without restrictions or limitations (**exception:** when an officer is confronted by what he/she has reason to believe is the imminent threat of death or serious physical injury to himself/herself or others).
- D. Must be carrying their badge, Department identification, and if armed, be armed with a Department approved firearm.
- E. May only use equipment specifically authorized by the Department.
- F. May not enforce the provisions of the Maryland Vehicle law, unless acting under a mutual aid agreement.
- G. May not serve arrest warrants, unless in conjunction with the lawful exercise of jurisdiction under this authority.
- H. May not use personal vehicles, except in extraordinary circumstances and, if possible, with supervisory approval.
- I. May not use extra-jurisdictional authority to solicit or facilitate secondary employment activities that would require or place the member in a position to make arrests for a prospective employer.

VII. Notification Required

- A. If an officer uses his/her police powers in an outside jurisdiction, notification must be made to the head of the law enforcement agency with primary jurisdiction where the action takes place. Specifically, the statute mandates the following notifications:
 - 1. In an incorporated municipality, to the Chief of Police, if any, or the Chief's designee;
 - 2. In a county that has a county police department, to the Chief of Police or the Chief's designee;
 - 3. In a county without a police department, to the Sheriff or the Sheriff's designee;

4. In Baltimore City, to the Police Commissioner or the Police Commissioner's designee;
 5. 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;
 6. On any property owned, leased, and 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.
 7. The respective chief of police or the chief's designee, when on property owned, leased, operated, managed, patrolled by, or under the control of the Department of General Services; OR
 8. The Department of State Police Barrack Commander or Commander's designee, unless there is an agreement otherwise with the Department of State Police.
- B. 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.
- C. When an officer has acted in an outside jurisdiction, he shall notify an on-duty Department supervisor as soon as possible after the incident.
- D. In addition, he shall complete a detailed internal memorandum report and forward it, through channels, to the Chief of Police prior to the end of his shift, or upon his return to duty if the officer is not on duty at the time of the incident.
- E. The Chief of police or his/her designee will forward a copy of the report to the head of the agency with jurisdiction where the action took place.
- F. If an officer from an outside jurisdiction other than on-duty Maryland State Police or Worcester County Sheriff's Office acts in Ocean City, a Department officer will be dispatched to the scene to take control of the prisoner for processing, and the watch commander will be notified. The responding officer shall complete a detailed incident report and forward it, through channels, to the Chief of Police prior to the end of his shift.
- G. Out-of-state law enforcement agencies have limited authority to engage in enforcement action in Maryland but may engage in fresh pursuit for the purpose of arresting and holding the person in custody if that person has committed a felony or is believed to have committed a felony in that state. A Department officer shall respond to the scene of any such arrest occurring in Ocean City and assist the out-of-state law enforcement agency with their requirements set forth in Maryland Criminal Code, Criminal Procedure §2-306 entitled Hearing to Determine Lawfulness of Arrest. The responding officer shall complete a detailed incident report and forward it, through channels, to the Chief of Police prior to the end of his shift.

VIII. Mutual Aid Agreement

Pursuant to the authority contained in § 2-105 of the Criminal Procedure Article of the Annotated Code of Maryland, the County Commissioners of Worcester County and Mayor and Town Council of Ocean City have entered into a mutual aid agreement which allows:

- A. Officers, employees and agents of the Worcester County Sheriff's Office and any necessary equipment may enter into the corporate limits of Ocean City and perform such police functions, other than or in addition to those which they may already perform under other statutes or agreements, under the following conditions:
 - 1. When requested to do so by the Maryland State Police, the Ocean City Police Department, or the Mayor and Council of the Town of Ocean City.
 - 2. When in pursuit of a suspect for a violation of the criminal or traffic laws occurring within the County but outside the corporate limits of Ocean City.
 - 3. When members of the Worcester County Sheriff's Office are participating in any federal, state, or county funded enforcement program requiring law enforcement officers to combine forces in an effort to investigate and reduce criminal activity or traffic violations and accidents.

- B. Officers, employees, and agents of the Ocean City Police Department may enter into Worcester County (outside the Ocean City Corporate Limits) and function as law enforcement personnel under the following conditions:
 - 1. When requested to do so by the Maryland State Police, the Worcester County Sheriff's Office or the County Commissioners of Worcester County.
 - 2. When in pursuit of a suspect for a violation of the traffic or criminal laws occurring within the Corporate Limits of Ocean City as outlined in Section V of this policy.
 - 3. When employees of the Ocean City, Maryland Police Department are participating in any federal, state, or county funded enforcement program requiring law enforcement officers to combine forces in an effort to investigate and reduce criminal activity or traffic violations and accidents as outlined in Section IV, F of this policy.
 - 4. When a criminal or traffic offense occurs on property owned by the Mayor and City Council of Ocean City, Maryland, but within Worcester County, Maryland. The properties includes but are not limited to, the airport, animal shelter, the golf course, Keyser Point Property, the City Dump, West Ocean City Park and Ride. Future acquisition by the Mayor and City Council of Ocean City, Maryland within Worcester County shall be included.

5. When a traffic accident occurs on either the Route 50 or Route 90 bridges but outside the corporate limits of Ocean City, Maryland, and it is determined by an Ocean City, Maryland police officer that medical aid or other assistance is needed.

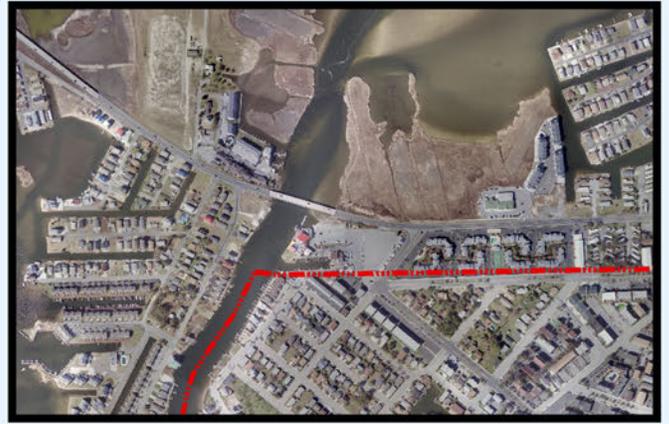
- C. When members of the law enforcement agency of each of the parties hereto is functioning in the jurisdiction of the other party under the provisions of this agreement such officers shall have all of the authority and all of the immunity from liability and all of the exemptions from laws, ordinances, and regulations which he or she would have if performing said function within his or her jurisdiction. Any actions lawfully taken under the terms of the agreement shall not in any way affect the pension, relief, disability, workman's compensation or other benefits of the officer, employee or agent so acting.

IX. Appendix

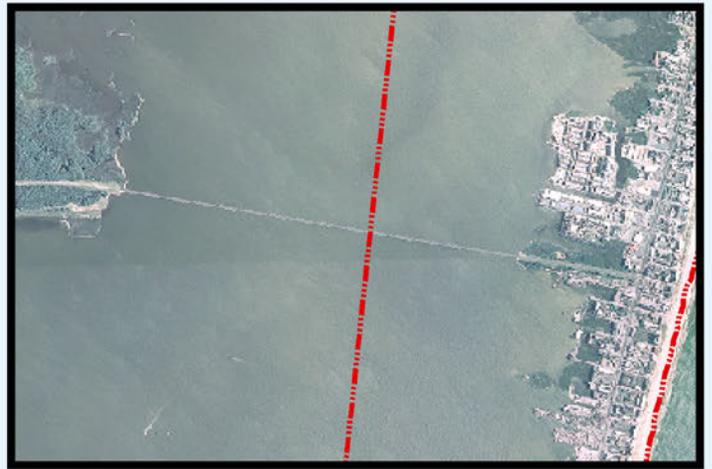
Corporate Limit Map of Ocean City, Maryland



Route 54 and Delaware State Line



Route 90 Bridge



Route 50 Bridge

