

Bowie State University Police Department

General Order

<i>Subject:</i> BSU Extra Jurisdiction	<i>Number:</i> 40
<i>Effective Date:</i> January 1, 1996	<i>Rescinds:</i>
<i>Approved:</i> Capt. B. S. Biscoe	
<i>CALEA Standards:</i>	

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40.14 Concurrent Jurisdiction

40.1 Extra jurisdiction Policy for Incidents Outside of the Bowie State University Campus

40.1.1 Any officer who discovers an incident requiring police attention in another jurisdiction shall cause notification to the police agency for the area of occurrence.

The officer need not standby for the other agency if no threat to safety of any person or property is evident. If circumstances suggest that any person or property will be in danger following the officer's departure, he shall await arrival of the other agency. If an emergency exists and immediate action is necessary to prevent personal injury or property damage, the officer shall take such action consistent with the law.

When taking action in another jurisdiction, the officer continues to be governed by the BSUPD written directives.

All provisions of this section apply to on-duty and off-duty actions.

40.2 Definitions

40.2.1 The following definitions are used in this order:

- 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. **Home Jurisdiction** - Political jurisdiction in which the officer is normally employed to perform police service, e.g., Bowie State University Campus Property for a BSUPD officer.
- c. **Host Jurisdiction** - Political jurisdiction where an incident physically occurs and where the visiting officer takes police action.
- d. **Host Agency** - Law enforcement agency in the host jurisdiction which received official notification of the visiting officer's police actions.

40.3 Extra Jurisdictional Authority of Officers

40.3.1 Officers may exercise police powers in other Maryland jurisdictions if:

- a. An emergency, as defined exists, or
- b. Requested by the host jurisdiction's officer or by MSP, or
- c. Assisting an officer, even if such assistance was not specifically requested, or
- d. Operating in a joint investigation or task force involving other federal, state or local law enforcement agencies, provided that at least one of those agencies has local jurisdiction.

40.3.2 When taking action in one of these situations, officers are empowered with full police authority, except that they shall not enforce any motor vehicle law. The officers may make criminal arrests, seize evidence, conduct investigations and take other appropriate actions to enforce State laws.

40.3.3 While performing these duties in the host jurisdiction, the officer enjoys the same immunities from liability that apply to him in his home jurisdiction, as well as any immunities that apply to MSP officers. The officer remains for all purposes a BSU employee.

40.4 Notifications

- 40.4.1 Officers who take action in another jurisdiction shall cause notification to the host jurisdiction's police department (or Sheriff's Department when no police department exists) as soon as practical. If the officer is tactically involved and does not have access to a police radio, he may ask a citizen to telephone the local police.
- 40.4.2 If the incident occurred in a municipality, notification shall be to the municipal police rather than the County agency. If the incident occurred on State-owned or controlled property, notification shall be to the MSP (or where applicable, the Department of Natural Resources Police, the Toll Facilities Police, the Port Authority or the University System Police).
- 40.4.3 When the action is taken pursuant to a task force or joint investigation, the officer shall cause notification in advance of the action, if practical. Notification to the host jurisdiction's participating officer may be sufficient, although other procedures may be required for certain agencies.
- 40.4.4 When making notification, the officer may request that the host agency respond to the scene of any incident; such as a request is mandatory if:
- a. An arrest was made
 - b. The officer displayed a weapon or used force
 - c. Any person was injured
 - d. A felony occurred
 - e. A victim desires to file an offense report
 - f. Evidence is available for processing, or unattended property needs to be recovered or guarded
 - g. There is reason to believe that further disturbances will following the officer's departure
- 40.4.5 The officer shall notify the BSU Operations Desk within one hour following completion of an extra jurisdiction action, except when that action was taken as part of his standard duties in a task force or joint investigation.

40.5 Transporting Prisoners

- 40.5.1 If the officer makes an arrest and does not have a Departmental vehicle appropriate for prisoner transport, he shall request that the host agency make the transport. If the host agency refuses, the officer shall contact the BSU Communications Division for guidance from a command officer. Unless authorized by a command officer, prisoner transport in privately-owned vehicles are prohibited except in emergencies or when timely contact with appropriate authorities is physically impossible, e.g., arrest occurring in an isolated rural area without phone or radio.
- 40.5.2 Prisoners shall be transported to a police or court facility in the host jurisdiction and shall not be brought back to Bowie State except when transport to a different location is specifically authorized within a task force or joint investigation.

40.6 Transfer of Investigative Responsibility

- 40.6.1 The law does not require responsibility for a case or custody of a prisoner to transfer to the host agency. However, BSU officers taking action in other jurisdictions shall offer such a transfer unless the officer discharged a weapon, injured a person during his action, or took that action in the course of a joint investigation or task force operation.
- 40.6.2 If the officer's firearm discharged or an injury occurred, the Officer shall cause notification to a BSU command officer for determination regarding any transfer. The officer may consult with a command officer in any other situation where he believes transfer may be inappropriate.
- 40.6.3 If the action occurred as a result of a task force or similar joint investigation, procedures previously agreed upon by participating agencies establish investigative responsibility, or identify the individual who will make that decision.
- 40.6.4 The host agency may accept or decline a transfer of investigative responsibility. If the host agency accepts, the officer shall yield authority to the assigned host investigator, cooperate with that investigator, and make himself available as a police witness for court.
- 40.6.5 If the case is not accepted by the host agency, the officer shall have complete investigative responsibility as if the crime occurred at Bowie State University. If he has made an arrest, he/she shall charge his/her prisoner on a Statement of Charges and present him/her to a Commissioner in the host jurisdiction. He/she shall also recover and process evidence, obtain statements, coordinate with the local State's Attorney's Officer, and perform all other appropriate follow-up investigation.
- 40.6.6 The officer's CO may assign an investigator to assist the officer with follow-up duties, if appropriate.

40.7 Processing and Reports

- 40.7.1 Whenever an officer takes action in another jurisdiction, he/she shall complete an Incident Report upon his return to Bowie State University. The report shall:
- a. Describe the officer's actions and identify the reasons why action taken
 - b. List the names, addresses and phone numbers of all known victims, witnesses and suspects (if the host agency processes a BSU-apprehended prisoner, list the host agency's processing I.D. number for that prisoner).
 - c. Record the date, time and method of notification to the host agency and identify the name the host agency officer who received the notification
 - d. Describe the host agency response or supporting actions and indicate whether a transfer of custody or investigative responsibility occurred

e. List the Out-of-Jurisdiction address of occurrence in location block

40.7.2 If the officer makes an arrest and the host agency accepts custody of the prisoner, the host agency prepares the charging document, completes an Arrest Report, processes the prisoner, and presents him to the Commissioner. No documents other than the above-described Incident Report are required of the officer.

40.7.3 If the host agency does not accept custody and the prisoner is charged by the officer, the officer shall obtain a BSU Arrest Report upon his return to Bowie State University. He/she shall also fingerprint and, if possible, obtain a photograph of the prisoner using host agency facilities and print cards. If the host agency refuses to provide cards or allows the use of its equipment, he/she shall not process the prisoner and shall note the host agency's refusal in the Arrest Report narrative.

40.8 Communications Division Duties

40.8.1 Upon notification that an officer is involved in an extra jurisdiction action, the Communications Division immediately notified the appropriate host agency by telephone unless the officer has already done so. If a local host agency cannot be identified or contacted, MSP shall be notified.

40.8.2 The Communications Supervisor shall ensure that the name and assignment of the host agency official accepting notification is provided to the officer involved in an extra jurisdictional action .

40.9 Scheduled Prisoner Transports

40.9.1 Scheduled transport - Routine deliveries of a prisoner from one police corrections or county facility to another for presentment before a Commissioner. Such transports do not include removal of prisoners from the scene of an arrest.

40.9.2 Officers shall maintain custody and control of prisoners during scheduled transports in other Maryland jurisdictions, using the same degree of force necessary to control the prisoner or prevent escape as would be permitted at Bowie State University.

40.10 Extra jurisdiction Policy for Incidents at Bowie State University

40.10.1 The Department shall assist officers from other jurisdictions who take emergency police action at Bowie State University. Assistance includes, but is not limited to, transporting prisoners, investigative support, processing evidence and providing fingerprint cards and equipment.

40.10.2 Because the outside officer has full police authority when acting under provisions of the extra jurisdictional authority statute, officers are not required to confirm probable cause or examine all facts of a case before rendering general assistance. They shall initially rely upon

a good faith expectation that the other officer is acting properly unless circumstances suggest otherwise.

40.10.3 Prior to any BSU officer transporting a prisoner, accepting custody of a prisoner or accepting transfer of investigative responsibility for a case, the facts of the case shall be examined and the probable cause for any arrest confirmed. If the officer believes that the outside officer's conduct is improper or that an arrest is illegal, he/she shall request a supervisor.

40.10.4 If the supervisor also doubts the probable cause or finds the outside officer's actions improper, he/she shall ensure that no transfer of prisoner custody or case responsibility occurs, and that the prisoner is not transported by a BSU officer. Obtaining an alternative means of transport shall be the outside officer's responsibility.

40.10.5 If probable cause is judged insufficient or his actions improper, the outside officer shall be allowed to utilize Departmental facilities, including holding cells and processing equipment, to expedite the prisoner's presentment to a Commissioner. However, the BSU officer shall not accept custody of the prisoner, and shall limit his control over the prisoner to the extent necessary to ensure the safety and security of the prisoner and other persons within the processing facility.

40.11 Notifications and Reports

40.11.1 Any employee receiving notification of an extra jurisdiction action at Bowie State University by another jurisdiction's officer shall notify the Supervisor and Communications.

40.11.2 The Communications/Supervisor shall cause the dispatch to a beat officer if:

- a. The outside officer is still at the scene
- b. Any imminent conflict or hazard has not been completely resolved by the outside officer's action
- c. An offense report remains to be taken from someone still at the scene

40.11.3 If none of these conditions exist, the Communications Supervisor shall assign the call to an appropriate investigative officer, where an investigation shall commence. The extent of the investigation shall be determined by the seriousness of the incident, any may involve no more than an inquiry to the outside officer's agency, when appropriate:

40.11.4 The beat officer or investigator shall complete an Incident Report. If no criminal offense is confirmed, he/she shall title the report Extra jurisdiction Incident. If a criminal offense is confirmed, he shall title the report with the appropriate criminal violation, e.g., robbery or B&E, and write Extra jurisdiction Incident in bold letters in the top margin. The report shall:

- a. List the outside officer's name, I.D. number, agency and agency phone number
- b. List names, address and phone numbers of all victims, witnesses and suspects
- c. Describe the actions of the outside officer and the assisting BSU officers, indicating whether any transfers of prisoner custody or investigative responsibility occurred or were offered

40.11.5 The Incident Report shall be attached to a CIR and a copy to the Office of Captain/Lieutenant prior to completion of the tour-of-duty.

40.11.6 Officers who assist outside officers and employees who receive notification of extra jurisdictional actions, shall request the outside officer or agency to forward copies of the other agency's Incident Reports and Arrest Reports to the BSU Records Section.

40.12 Transfer of Investigative Responsibility

40.12.2 The Department may accept custody of prisoners and assume investigative responsibility in a case if the other jurisdiction's officer is willing. In such instances, the outside officer shall be asked to provide a written statement regarding his action and be summoned as a police witness. If custody of the prisoner is transferred, a BSU officer shall prepare the charges, complete the arrest report, process the prisoner and present him to a Commissioner.

40.12.3 If the extra jurisdictional incident involves a felony, CID or other appropriate investigative component shall be notified and shall make an effort to assume investigative responsibility, including accepting custody of all legally arrested suspects. If the outside officer refuses to relinquish the case, the officer's agency shall be contacted with a request for cooperative transfer of the investigation. If the outside agency refuses, appropriate support will continue to be provided and the refusal shall be noted in the Incident Report.

40.12.4 The Department may decline to accept custody of any prisoner and responsibility for any case, including felonies, if circumstances warrant.

40.13 Article 27 - Crimes and Punishments 594B

40.13.1 In this subsection, the following words have the meanings indicated:

- a. **Emergency** - means a sudden or unexpected happening or an immediate action to protect the health, safety, welfare, or property of an individual from actual or threatened harm or from an unlawful act.
- b. **Police Officer** - does not include a State Police Officer.
- c. **State Police Officer** - means a police employee as defined in Article 88B, Section 2 of the Code.

40.13.2 Except as provided in Subparagraph (II) of this paragraph and subject to the limitations provided in Paragraph (3) of this subsection and in addition to the powers granted in Section

298 of this Article, a Police Officer of this State may make arrests, conduct investigation throughout the State without Limitations to Jurisdiction.

- a. Under this Subsection a Police Officer may not enforce the provisions of the Maryland Vehicle Law Beyond the Officer's sworn jurisdiction.

40.13.3 A Police Officer may exercise the powers granted in this subsection if:

- a.. The Police Officer is participating in a joint investigation with officials from other State, Federal or Local Law Enforcement Agencies at least one of which shall have local jurisdiction.
- b.. The Police Officer is rendering assistance to a Police Officer.
- c. The Police Officer is acting at the request of a local Police Officer or a State Police Officer, or:
- d. An Emergency exists; and

40.13.4 The Police Officer is acting in accordance with regulations adopted by the Police Officer's employing agency to implement this subsection.

40.13.5 When acting under the authority granted in this subsection, the following notifications of an investigation or enforcement action shall be made.

- a. When an incorporated municipality, to the Chief of Police, if any, or the Chief's designee;
- b.. When in a County that has a County Police Department, to the Chief of Police or the Chief's designee;
- c. When in a County without a Police Department, to the Sheriff or the Sheriff's designee;
- d. When in Baltimore City, to the Police Commissioner or the Police Commissioner's designee;
- e. When on any property owned, leased, operated by, or under the control of the Department of Natural Resources or the Secretary's designee; or
- f. When on any property owned, leased or operated by or under the control of Maryland Transportation Authority or the Maryland Port Administration, to the respective Chief of Police or the Chief's designee.

40.13.5 Unless there is an agreement otherwise with the Maryland State Police, the Maryland State Police Barrack Commander or designee.

40.13.6 When the Police Officer is acting under the authority granted in Paragraph (3)(I) 1 of this subsection, the notification required under Paragraph (4) of this subsection shall be made at a reasonable time in advance.

40.13.7 When acting under the authority granted in this subsection, any Police Officer shall have all the immunities from liability and exemptions to which the Police Officer may otherwise be entitled.

- a. Any Police Officer who uses the authority granted in this subsection shall at all times or for any purposes remain an employee of the respective employing agency.

40.14 Concurrent Jurisdiction

40.14.1 The purpose of concurrent jurisdiction is to legally operation within the following Major Jurisdictional Boundaries:

North 197 to Lemons Bridge Road; South 197 to Race Track Road; and Race Track Road to Jericho Park Road