
	GAITHERSBURG POLICE DEPARTMENT		
	Limited Statewide Jurisdiction		
	GENERAL ORDER	700.2	
Effective Date	04/06/2015	1.2.1, 1.2.5, 70.1.1, 74.3.1	
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE

I. PURPOSE

The purpose of this directive is to establish Department policy authorizing sworn personnel to exercise extra-jurisdictional authority, in accordance with the provisions set forth in the Annotated Code of Maryland – Criminal Procedure Article § 2-102 concerning Limited Statewide Jurisdiction, and § 2-105 concerning Mutual Aid Agreements. Refer to General Order 700.1 – Concurrent Jurisdiction and Mutual Aid for Department policies and procedures specific to Mutual Aid.

II. POLICY

While outside the corporate limits of the City of Gaithersburg, Department policy and Maryland law limit the legal authority of sworn personnel. Sworn personnel are expected to discharge their duties in a lawful and ethical manner while exercising extra-jurisdictional authority, so as not to bring discredit upon themselves or the Department. There are no provisions within this directive that relieve sworn personnel of the duty to provide reasonable assistance to another police officer in pursuit of lawful objectives, when needed or requested, or the duty to act in event of an emergency.

Pre-approved participation in a multi-jurisdictional task force or event will be considered rendering assistance or acting at the request of another police officer or agency having jurisdiction in that area, as authorized under § 2-102 of the Criminal Procedure Article, or in accordance with any and all Mutual Aid Agreements or Memorandum of Understanding to which this Department is a party. Enforcement of the Maryland Vehicle Law outside the corporate limits of the City of Gaithersburg is not authorized by law or Department policy, unless conducted as part of a multi-jurisdictional task force or in accordance with a Mutual Aid Agreement or Memorandum of Understanding. Although not authorized to enforce the Maryland Vehicle Law outside their jurisdiction, sworn personnel may take reasonable steps to stop a behavior or action that creates the risk of physical harm.

Any action taken while exercising extra-jurisdictional authority will be performed in accordance with the rules and regulations of this Department, and reported in accordance with procedure outlined in this directive. Sworn personnel exercising extra-jurisdictional authority are at all times and for all purposes, employees of the Department. As such, the Department shall receive and investigate any

complaints, including anonymous complaints, or allegations of misconduct.

Sworn personnel acting under this authority enjoy the same immunities from liability and exemptions as a State Police officer, in addition to any other immunity and exemptions sworn personnel may otherwise be entitled, as well as protection under Title 3, Subtitle 1, Public Safety Article, Annotated Code of Maryland, also known as the Law Enforcement Officers' Bill of Rights. Powers granted through Limited Statewide Jurisdiction are in addition to the powers of fresh pursuit granted by Criminal Procedure Article § 2-301 et seq.

III. DEFINITIONS

A. Emergency

Within the context of this directive, the term “emergency” is defined under Criminal Procedure Article § 2-101(b) 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.

B. Extra-jurisdictional authority

Within the context of this directive, the term “extra-jurisdictional authority” refers to police powers that may be exercised by sworn personnel, beyond the corporate limits of the City of Gaithersburg, under the authority of § 2-102 of the Criminal Procedure Article, and Department policy.

C. Sworn personnel

Within the context of this directive, the term “sworn personnel” refers to duly sworn police officers, with police powers intact, who are employed by the Gaithersburg Police Department.

IV. PROCEDURE

A. Arrests, Enforcement, and Assistance

1. Law enforcement officers are granted Limited Statewide Jurisdiction, in accordance with the provisions of § 2-102 of the Criminal Procedure Article.
2. Unless assisting another police officer with local jurisdiction, or acting under mutual aid agreement or memorandum of understanding, sworn personnel outside the corporate limits of the City of Gaithersburg are not authorized to:

- a) Enforce the Maryland Vehicle Law; or
 - b) Serve arrest warrants.
3. Under § 2-102 of the Criminal Procedure Article, and Department policy, sworn members of the Department may exercise Limited Statewide Jurisdiction (extra-jurisdictional authority) in instances where:
- a) The member is participating in a joint investigation with officials from another law enforcement agency with jurisdiction in the area or situation;
 - b) The police officer is rendering assistance to, or acting at the request of, another police officer with local jurisdiction; or
 - c) An emergency exists (as defined by § 2-101(b) of the Criminal Procedure Article).
4. Under § 2-102 of the Criminal Procedure Article, when sworn members are exercising Limited Statewide Jurisdiction, they are required to act in accordance with the policies and procedures of this Department.
5. Sworn personnel will not become involved in incidents where the need for assistance is not requested or apparent.
6. When taking police action under extra-jurisdictional authority, sworn personnel will identify themselves as police officers, displaying badge and credentials as appropriate, to other law enforcement officers, citizens, and the suspect.
7. If an arrest or other action is taken under extra-jurisdictional authority, sworn personnel will secure the suspect, seize and protect any evidence, notify local law enforcement (if not already on-scene), and follow the lawful orders and direction of officers from the primary jurisdiction.
8. Sworn personnel will not utilize personally owned vehicles, unless necessary for the protection of the officer or others, from the threat of imminent danger or harm.
9. Sworn personnel will await assistance from the local jurisdiction for prisoner transport, unless extreme circumstances dictate the necessity for transport to a location where adequate assistance may be obtained.

10. Sworn personnel will cooperate and assist the local jurisdiction with any subsequent processing, evidence collection, and court or administrative reports, as necessary, required, or requested.
11. Sworn personnel will not serve arrest warrants outside the corporate limits of the City of Gaithersburg, unless in conjunction with the lawful exercise of jurisdiction under this authority and policy, or in accordance with the terms of Mutual Aid Agreements to which this Department is a party.
12. Understanding that, with the exceptions previously noted, enforcement of the Maryland Vehicle Law is not authorized outside the City of Gaithersburg, sworn personnel may take reasonable steps to stop a behavior or action that creates the risk of physical harm.
 - a) Behavior or action that creates the risk of physical harm may include, but is not limited to:
 - 1) Erratic vehicle operation symptomatic of driving while impaired or under the influence, or suffering from a medical emergency;
 - 2) Operating a vehicle in a manner indicative of blatant or willful disregard for the safety of others;
 - 3) Causing, or fleeing from, a collision;
 - 4) Loss of control of a vehicle (such as driving off the roadway);
 - 5) Driving in a lane designated for oncoming traffic.
 - b) Reasonable action may include, but is not limited to:
 - 1) Calling 911 to advise the local agency of the situation, and identifying yourself as a law enforcement officer from another jurisdiction;
 - 2) If equipped to do so, making radio contact with the local agency to advise of the situation, and identifying yourself as a law enforcement officer from another jurisdiction;
 - 3) Advising the local jurisdiction that you are operating a marked/unmarked police vehicle with emergency equipment, and following any direction

or request for assistance made by the local agency that does not violate Department policy;

- 4) Following a vehicle and providing updates to the local agency of the driver's location and actions; and
- 5) Stopping, with emergency lights activated, behind a motorist and awaiting arrival of officers from the local jurisdiction before approaching.

B. Notifications and Documentation

1. When action is taken under extra-jurisdictional authority, notification shall be given, as soon as practicable, to the head of the law enforcement agency with primary jurisdiction.
2. When sworn personnel participate in joint investigations or task forces, such notification shall be made at a reasonable time in advance of the operation, when possible.
3. Sworn personnel shall include the name and title of the person notified in the foreign jurisdiction, as well as the date and time of such notification, in any reports relating to the incident.
4. Sworn personnel will, without unreasonable delay, obtain and provide copies of any reports relating to the incident for Department records, and prepare a written statement to the Chief of Police (via chain of command) detailing the incident.

C. Foreign Jurisdiction Action in the City

1. If an officer from a foreign jurisdiction makes an arrest pursuant to extra-jurisdictional authority, an appropriate number of sworn personnel from this Department, to include a shift supervisor, will respond and provide appropriate assistance.
2. Sworn personnel will secure the scene, and interview the officer from the foreign jurisdiction to obtain details of the incident.
3. After determining the nature of the event and the lawfulness of the arrest or other action, an officer of this Department will take custody of and search the arrested or detained person.
4. If the detainee requires or requests emergency medical attention, or requires psychiatric evaluation, the subject will be transported without unnecessary delay by ambulance or police vehicle to the

appropriate emergency facility, in accordance with existing Department procedures and policies governing medical transports and/or emergency evaluations.

5. If the incident results in arrest, the arrestee will be transported and processed in accordance with existing Department procedures and policies governing arrests, transports, and prisoner processing.
6. At the discretion of the handling officer and shift supervisor, the officer from the foreign jurisdiction may be directed to remain for further consultation concerning details for the report and statement of charges, to assist with evidence collection and submission, or for any other official matter deemed necessary.
7. When the Department is notified of action taken by an officer from a foreign jurisdiction, the shift supervisor will ensure that a Command Staff notification is made.