



Office Of The Sheriff
Allegany County
Maryland

GENERAL ORDER NO: 3-100.00

TO: All Patrol and Judicial Personnel

RE: **JURISDICTION AND MUTUAL AID**

PURPOSE: To establish policy for members of the Sheriff's Office regarding jurisdiction within the boundaries of Allegany 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.

EFFECTIVE DATE: 2004

REVISION DATE: 3/1/2016

3-101.00 DEFINITIONS

- .01 Jurisdiction: Sphere of authority during normal operations and territorial limits within which authority may be exercised.
- .02 Exclusive Jurisdiction: Condition in which the Federal Government retains exclusive jurisdiction on Federal property. Law enforcement must be provided by the Federal Government. The Sheriff's Office has no law enforcement jurisdiction.
- .03 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.
- .04 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.
- .05 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 river bed 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.

.06 Federal Assimilation Crime Act Title 18, U.S.C.: Enables the Federal government to incorporate State law where there is no applicable Federal Statute to cover an offense.

3-102.00 JURISDICTION OF THE SHERIFF'S OFFICE

.01 The jurisdiction of the Sheriff's Office encompasses land, water and air within the boundaries of Allegany County, Maryland, as specified in this order. The boundary lines for Allegany County are as follows:

- A. The Northern boundary of Allegany County is the Pennsylvania State Line, also known as the Mason Dixon Line.
- B. The Western boundary is located on Savage Mountain, at the Allegany and Garrett County line.
- C. The Eastern boundary of the County is the Sidling Mountain Creek which divides Allegany County/Washington County Line.
- D. The Southern and South Eastern boundary of Allegany County is the southern waters edge of the Potomac River (low water mark) which divides Maryland from the State of West Virginia. The Potomac River is deemed by Colonial Charter, State Law, and Supreme Court Decision to lie within the State of Maryland. Criminal Procedure 3-902, 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 Supreme Court in Maryland v. West Virginia declared in 1910 the ultimate limits of the State of Maryland to be the Low Water Mark on the southern side of the Potomac River.

.02 Concurrent (Shared) Jurisdictions:

- A. C & O Canal/Tow Path: 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 Police 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 Enforcement Personnel are present.

3-103.00 OPERATIONAL PARAMETERS

While the Sheriff's Office has jurisdiction as allowed by law within Allegany County, Maryland, it does not routinely respond to calls for service by citizens living in municipal areas which provide law enforcement services.

.01 Cumberland, / Frostburg Maryland: The Cities of Cumberland and Frostburg as well as Frostburg State University (FSU) maintain Police Departments with personnel and equipment commensurate to the population of Cumberland and Frostburg, with 24 hour service. Consequently, operational guidelines, for sworn Sheriff's Office personnel within Cumberland/ Frostburg, will be as follows:

- A. Crimes investigated by the Sheriff's Office, which occur within Allegany County, and require investigation within either Cumberland, Frostburg and FSU, 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 Cumberland or the City of Frostburg or FSU will be forwarded immediately to the Cumberland City or Frostburg City Police or the FSU 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 Cumberland or Frostburg for criminal and traffic law violations committed in their view if a Cumberland, Frostburg or FSU Police Officer was not present.
- C. Cumberland City Police, Frostburg City Police, FSU and Sheriff's Office may request assistance from each other in excess of minimal backup via the Mutual Aid Agreement.

- D. Cumberland City, Frostburg City, or the FSU Police may request assistance in an extraordinary type of investigation directly from the Sheriff or his designee.
- E. Calls for service to the Sheriff ' s Office for crimes/incidents occurring within the Cities of Cumberland or Frostburg or FSU will be forwarded to their respective Police Department.
- F. Members of the Sheriff ' s Office, whenever necessary or possible, will back up officers of the Cumberland City, Frostburg City or FSU Police..
- G. In the event Sheriff ' s Office personnel, (excluding Narcotics Task Force), are operating within either the three jurisdictions while in plain clothes; i.e., overtime assignment, stake-out, warrant service, etc., their Police Department 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 either city or FSU; (i.e., kidnapping on Rt. 40 west, where the victim is taken into Cumberland 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 Cumberland, Frostburg or FSU, assistance will be requested from their 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. An Incident report will be initiated whenever assistance is given to another agency. Cooperation will be extended whenever possible.

- .02 Lonaconing, Maryland: The Town of Lonaconing maintains a police department but does not provide 24 hour coverage. Calls for service within Lonaconing will be forwarded to that department when personnel are on duty. The Sheriff's Office will respond to calls for service in Lonaconing when no officer is on duty, or is otherwise unavailable. Calls responded to by the Sheriff's Office will be investigated to the fullest. Sheriff's Office personnel will assist Lonaconing officers whenever possible and available. Deputies will take enforcement action on violations committed within their presence.
- .03 Luke, Maryland: The Town of Luke maintains a police department but does not provide 24 hour coverage. Calls for service within Luke will be forwarded to that department when personnel are on duty. The Sheriff's Office will respond to calls for service in Luke when no officer is on duty, or is otherwise unavailable. Calls responded to by the Sheriff's Office will be investigated to the fullest. Sheriff's Office personnel will assist Luke officers whenever possible and available. Deputies will take enforcement action on violations committed within their presence.
- .04 Other towns within Allegany County obtain Police coverage from time to time. These towns will be provided the coverage and procedures as indicated above.
- .05 Nothing in this section prevents deputies from making checks of any incorporated area, or from establishing contacts with other enforcement agencies personnel within Allegany County. Operational relationships between the Sheriff's Office and State/Local Entities will be agreed upon through Memoranda of Understanding.
- .06 The goal of all enforcement agencies within Allegany 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.
- .07 Sworn personnel of the Sheriff's Office, while taking enforcement action outside of Allegany 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.
 - B. The action is taken at the scene of the crime or attempted crime. (Courts and Judicial Proceedings 5-605).

3-104.00 MUTUAL AID AGREEMENTS

.01 Mutual Aid Agreement (Cumberland City Police)

 A. Jurisdiction for the Cumberland City Police lies solely within the City of Cumberland, Maryland. Therefore, absent a Mutual Aid Agreement, a question of possible liability exists whenever the Cumberland Police Department is requested to go out of jurisdiction to assist the Sheriff's Office.

 B. By verbal agreement between the Cumberland/Frostburg City/FSU Police and the Allegany County Sheriff's Office, the Cumberland City/Frostburg City and FSU Police, when requested by the Sheriff's Office to assist outside their jurisdiction, are granted extension of police powers and relief from liability as enjoyed by that department while operating within their own jurisdictional boundaries.

 C. The Allied Agencies listed below have signed Agreements and are on file with the Allegany County Sheriff's Office.

 1. Maryland State Police

 2. Federal Correctional institute – FCI –

 a. This agreement is to provide perimeter security for the institute and K-9 assistance when requested.

 3. Western Correctional Institute – WCI –

 b. This agreement is to provide perimeter security for the institute and K-9 assistance when requested.

3-105.00 EXTRA JURISDICTIONAL AUTHORITY

.01 Criminal Procedure Article (CP) 2-02, defines those situations when a law enforcement officer may make an arrest without a warrant. Effective October 1993, the Maryland Legislature amended CP 2-02 to grant Federal, State, County, and Municipal law enforcement officers extra jurisdictional authority within Maryland. An Allegany County Sheriff's Office law enforcement deputy may make a warrantless arrest in the State of Maryland outside of Allegany County under the provisions of CP 2-202 when:

- A. They are participating in a joint investigation with law enforcement officials from a Federal, State, or Local agency.

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- B. They are rendering assistance to a police officer.
- C. They are acting at the request of a local or state police officer.
- D. 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.

.02 CP 2-02 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.

- A. An Allegany County Sheriff 's Deputy may arrest a person on a warrant outside of Allegany County when:
 - 1. A warrant has been issued against the person,
 - 2. 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)
 - 3. The arrest occurs within one of the participating jurisdictions pursuant to the agreement in paragraph two of this section, and
 - 4. The law enforcement deputy is acting in accordance with regulations adopted by this agency.
- B. When acting under the authority granted in CP 2-202, 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.
- C. Any law enforcement deputy who uses the authority granted under CP 2-202 shall, at all times or for all purposes, remain an employee of the respective employing agency.

.03 Prohibitions

- A.** Personnel may not enforce provisions of the Maryland Motor Vehicle Law beyond the boundaries of Allegany County (excluding charges stemming from hot pursuits).
- B.** Personnel will not serve arrest warrants outside Allegany County, unless in conjunction with the lawful exercise of jurisdiction under this authority.
- C.** 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.
- D.** Personnel may not use their personal vehicles or unauthorized equipment in the exercise of this authority.

.04 Requirements When Exercising Extra Jurisdictional Arrest Authority

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

.05 Procedures When Exercising Extra Jurisdictional Authority

- A.** General guidelines.
 - 1.** 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.
 - 2.** Personnel must act in accordance with the department's rules and regulations.

3. The Sheriff's Office will receive and investigate allegations of misconduct on the part of any personnel acting pursuant to this procedure.

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4. 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.
5. Personnel will, at all times, be responsible for their actions and assigned duties.

B. Required Actions

1. 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.
2. Before taking action, personnel should, if possible, assess the consequences of actions to include possible injuries to oneself, suspect, or a third party. Consider whether adequate information is available to arrest the suspect at a later time.
3. 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.
4. 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.
5. Seize and protect evidence.
6. 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.

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7. 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.
8. Be guided by directions from on scene local police officials exercising supervisory control over the incident.
9. Cooperate and participate in the handling of the arrestee and handling of evidence.
10. If Allegany 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.
11. Prepare charging documents as required.
12. 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.
13. Complete any other reports required by this department; i.e., overtime slips, use of force reports, injury reports, etc., as applicable.

.06 Notification Requirements

- A. When acting under CP 2-202, 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 designee.

2. When in a county that has a county police department, to the Chief of Police or the Chief's designee.

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3. When in a county without a police department to the Sheriff or the Sheriff's designee.
4. When in Baltimore City to the Police Commissioner or the Commissioner's designee.
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 designee.
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 designee.
7. Under CP 2-202 the local Maryland State Police Barrack Commander or his designate.
8. Under CP 2-202, to the secretary of the Maryland State Police
9. Duty Officer of the Allegany County Sheriff's Office. To the extent possible, agency personnel involved in such activities will keep the department informed of their locations.

.07 Joint Investigations - In situations where agency personnel desire to participate in a planned joint investigation with another agency outside of Allegany County, the following will apply:

- A. CP 2-202 requires that notice of a joint investigation be given to the designated agency individual having jurisdiction over the locale within (.05) 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 Shift Lieutenant 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 Shift Lieutenant 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 designee 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 report detailing his/her actions outside of Allegany County.
- I. Should a deputy be summoned to testify concerning a joint investigation, disposition/logging of summons will be conducted according to agency policy.
- J. This policy does not apply to Deputies already assigned to C3I Investigation or Narcotics, which already had a mutual agreement exists.

.08 Activities During Emergencies

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- 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 (Incident Report).

.09 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 accompany 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.

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10. Provide the arresting officer with copies of his reports, this department's reports, and any other relevant documents.

.10 Accepting Notification

- A. An officer who takes enforcement action outside his sworn jurisdiction within Allegany County, is required by statute to notify this department of such activity. The Shift Lieutenant or the Duty Officer are designated to accept notification of joint investigations or other enforcement activity by foreign personnel within Allegany County.

.11 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 Allegany County.

.12 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.

.13 Property Damage

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

3-106.00 REQUESTING ASSISTANCE FROM FEDERAL LAW ENFORCEMENT AGENCIES

- .01 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:

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- 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. 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.
- F. Military Police. AWOL subjects, criminal activity occurring on military posts.

.02 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 Duty Officer. The Shift Lieutenant will be informed of joint investigations between the Sheriff's Office and a Federal Agency.

By Authority Of:

Craig A Robertson, Sheriff