

Jurisdiction and Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to define the primary jurisdiction and law enforcement authority as Police Officers with the Washington Suburban Sanitary Commission (WSSC) Police Department.

100.2 POLICY

It is the policy of the WSSC Police Department that sworn police officers of this agency may exercise law enforcement authority in accordance with their jurisdictional authority and/or when appropriate, to exercise extra-jurisdictional authority throughout the state in accordance with law.

100.3 RELEVANT LAW

MD. Code Ann., Public Utilities Article (PUA), Section 28-201

MD. Code Ann., Criminal Procedures Article (CPA), Section 2-101; 2-102; 2-202; 2-203; 2-204; 2-205 & 2-206

WSSC General Counsel Opinion, November 20, 2016

100.4 COMMISSION POLICE FORCE

(a) Establishment of the Commission Police Force and Primary Jurisdiction:

1. The establishment of the WSSC police force, as it relates to the exercise of law enforcement powers are set out in section 28-201 of the Public Utilities Article of the Maryland Annotated Code which created the WSSC Police Department.
2. A Commission police officer may exercise the powers of a law enforcement officer in the State on property that is owned, leased, operated by or under the control of the Commission.
3. A Commission police officer may not exercise law enforcement power on any other property unless the officer is:
 - (a) Engaged in fresh pursuit of a suspected offender;
 - (b) Requested or authorized to do so in a political subdivision by the chief executive officer or chief police officer of the political subdivision;
 - (c) Needed for the orderly flow of traffic to or from property owned, leased, or operated by and under the control of the Commission; or
 - (d) Ordered to do so by the Governor.
4. Property "under the Control of the Commission" may include an area within the WSSC right of way where Commission repairs, maintenance or construction is present or if in the public right of way of a street or sidewalk; a defined Commission work area delineated by traffic cones, signs and work trucks.
5. Maryland Annotated Code, Criminal Procedures Article, Section 2-101 (c) (21) defines a "Police Officer" as a person who in an official capacity is authorized

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by law to make arrests and is a member of the Washington Suburban Sanitary Commission Police Force.

100.5 AUTHORITY OF POLICE OFFICERS IN GENERAL - MARYLAND ANNOTATED CODE, CRIMINAL PROCEDURES SECTION 2-102

- (a) Authority of Police Officers in General- Maryland Annotated Code, Criminal Procedures, Section 2-102
1. Under the authority of Maryland Annotated Code, Criminal Procedures Article, Title 2, Section 102, a police officer may make arrests, conduct investigations, and otherwise enforce the laws of the State of Maryland without limitations as to jurisdiction under specific conditions:
 2. Subject to limitations within this section (paragraph 3), a police officer may make arrests, conduct investigations, and otherwise enforce the laws of the state throughout the State without limitations as to jurisdiction.
 3. This does not authorize a police officer acting under the authority granted by this section to enforce the Maryland Vehicle Law beyond the police officer's sworn jurisdiction unless the officer is acting under a mutual aid agreement authorized by law.
 - (a) A police officer may exercise the powers granted by this section when:
 - (b) The police officer is participating in a joint investigation with officials from another state, federal, or local law enforcement unit, at least one of which has local jurisdiction;
 - (c) The police officer is rendering assistance to another police officer;
 - (d) The police officer is acting at the request of a police officer or State Police officer; or
 - (e) An emergency exists; and the police officer is acting in accordance with regulations adopted by the police officer's employing unit to carry out this section.
 - (f) An "emergency" as defined by Criminal Procedures, Section 2-101 (b), is 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.
 1. This general order limits an emergency to:
 - (a) Felony in Progress
 - (b) Violent misdemeanors in progress
 - (c) Destruction of property that could result in injury or death
 - (d) Probable cause to believe a felony has been committed or attempted

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- (b) Required Notifications: A police officer who acts under the authority granted by the above section shall notify the following of an investigation or enforcement action:
1. The Chief of Police, if any, or designee, when in a municipal corporation;
 2. The Chief of Police, or designee, when in a county that has a county police department;
 3. The Sheriff, or designee, when in a county without a police department;
 4. The Police Commissioner, or designee, when in Baltimore City;
 5. The Secretary of Natural Resources, or designee, when on any property owned, leased, operated by or under the control of the Department of Natural Resources;
 6. The respective Chief of Police, or designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, The Maryland Aviation Administration, or Maryland Port Administration; and
 7. The Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police;
 8. The Chief of Police of the Department of General Services, or designee, when on property owned, leased, operated, managed, patrolled by, or under the control of the Department of General Services;
 9. The Chief of Police of the Maryland National Capital Park and Planning Commission (MNCPPC) for the county for in which the property is located, when on property owned, leased or operated by or under the control of the MNCPPC.
 10. In addition to the notification(s) noted above, the arresting officer must notify a WSSC PD Commanding Officer, or in their absence, the Duty Commander, who will be responsible for notification to the Chief of Police.
 11. 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 power.
- (c) Accepting Notifications:
1. An officer who acts outside his/her sworn jurisdiction is required by statute to notify this department of such activity.
 - (a) A Command level officer, or in the absence of any Command staff, the Officer in Charge, is designated to accept notification of joint investigations which occur in this department's primary jurisdiction. The notified Commander or Officer in Charge shall notify the Chief of Police as soon as reasonable.
 - (b) The Commander, or in his/her absence, Officer in Charge is designated to accept notification of enforcement actions taken in this departments jurisdiction pursuant to the referenced statutes. The notified Commander or Officer in Charge shall notify the Chief of Police as soon as reasonable.
- (d) Immunity:

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1. A police officer who acts under the authority granted by this section:
 - (a) Has all the immunities from liability and exemptions as a State Police officer in addition to any immunities and exemptions to which the police officer is otherwise entitled; and
 - (b) Remains at all times and for all purposes an employee of the employing unit.

100.6 WARRANTLESS ARRESTS - IN GENERAL MARYLAND ANNOTATED CODE, CRIMINAL PROCEDURES SECTION 2-202

Maryland Annotated Code, Criminal Procedures Article, Title 2, Section 202 defines those situations when a police officer may effect an arrest without a warrant as follows:

- (a) A police officer may arrest without a warrant a person who commits or attempts to commit a felony or misdemeanor in the presence or within the view of the police officer.
- (b) A police officer who has probable cause to believe that a felony or misdemeanor is being committed in the presence or within the view of the police officer may arrest without a warrant any person whom the police officer reasonably believes to have committed the crime.
- (c) A police officer without a warrant may arrest a person if the police officer has probable cause to believe that a felony has been committed or attempted and the person has committed or attempted to commit the felony whether or not in the presence or within the view of the police officer.

100.7 WARRANTLESS ARRESTS - COMMISSION OF SPECIFIC CRIMES-MARYLAND ANNOTATED CODE, CRIMINAL PROCEDURES ARTICLE, SECTION 2-203

- (a) A police officer without a warrant may arrest a person if the police officer has probable cause to believe:
 1. That the person has committed a crime listed in this section; and
 2. That unless the person is arrested immediately, the person:
 - (a) May not be apprehended;
 - (b) May cause physical injury or property damage to another; or
 - (c) May tamper with, dispose of, or destroy evidence.
- (b) Specified Crimes referred to in this section are:
 1. Manslaughter by vehicle or vessel under section 2-209 of the Criminal Law Article;
 2. Malicious burning under section 6-104 or 6-105 of the Criminal Law Article or attempt to commit the crime;
 3. Malicious mischief under section 6-301 of the Criminal Law Article or an attempt to commit the crime;

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4. A theft crime where the value where the value of the property or services stolen is less than \$1,000 under section 7-104 or 7-105 of the Criminal Law Article or an attempt to commit the crime;
5. The crime of giving or causing to given a false alarm of fire under section 9-604 of the Criminal Law Article;
6. Indecent exposure under section 11-107 of the Criminal Law Article;
7. A crime that relates to control dangerous substances under Title 5 of the Criminal Law Article or an attempt to commit the crime;
8. The wearing, carrying, or transporting of a handgun under section 4-203 or 4-204 of the Criminal Law Article;
9. Carrying or wearing a concealed weapon under section 4-101 of the Criminal Law Article;
10. Prostitution and related crimes under Title 11, Subtitle 3 of the Criminal Law Article; and
11. Violation of a condition or pretrial or post trial release under Maryland Annotated Code, Criminal Procedure Section 5-213.1.

100.8 WARRANTLESS ARRESTS - MARYLAND ANNOTATED CODE, CRIMINAL PROCEDURES ARTICLE, SECTION 2-204 (DOMESTIC ABUSE); SECTION 2-204.1 (VIOLATION OF PROTECTIVE ORDER); SECTION 2-205 (STALKING); AND SECTION 2-206 (STATE OF EMERGENCY).

A police officer may arrest without a warrant in limited situations enumerated above provided specific criteria is met for each offense.

100.9 FRESH PURSUIT - MARYLAND ANNOTATED CODE, CRIMINAL PROCEDURES ARTICLE, SECTION 2-301 AND 2-304

- (a) These sections apply to a law enforcement officer of a jurisdiction in the State who engages in fresh pursuit of a person in the State.
- (b) Fresh pursuit is pursuit that is continuous and without unreasonable delay.
- (c) Fresh pursuit includes:
 1. Fresh pursuit as defined by common law; and
 2. Pursuit without unreasonable delay, but not necessarily instant pursuit of a person.
- (d) In determining whether the pursuit meets the elements of fresh pursuit, a court shall apply the requirements of the common law definition of fresh pursuit that relates to these elements.
- (e) A law enforcement officer may engage in fresh pursuit of a person who;
 1. Has committed or is reasonable believed to have committed a felony in the jurisdiction of which the law enforcement officer has the power of arrest; or

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2. Has committed a misdemeanor in the presence of the law enforcement officer in the jurisdiction in which the law enforcement officer has the power of arrest.
- (f) A law enforcement 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.

100.10 PROHIBITIONS

- (a) WSSC Police Officers are prohibited from enforcing the provisions of the Maryland Motor Vehicle Law outside their primary jurisdiction unless necessary to prevent the loss of life or serious bodily harm to others.
- (b) WSSC Police Officers will not serve arrest warrants outside their primary jurisdiction, unless in conjunction with the lawful exercise of jurisdiction under this authority.
- (c) WSSC Police Officers will not use the authority granted herein to facilitate or solicit secondary employment activities that would require or place the officer in a position to make arrests for a perspective employer.

100.11 REQUIREMENTS

- (a) A WSSC Police Officer acting pursuant to this authority must act in conformance to law.
- (b) An officer must act in a professional manner so as to not reflect discredit upon him/herself, the department or the WSSC.
- (c) The WSSC officer must abide by the general orders, rules and regulations of the Department and the Commission, however a violation of a departmental rule or regulation does not, and is not intended to abrogate the legality of any law enforcement action taken pursuant to the authority granted herein.

100.12 GENERAL GUIDELINES

- (a) Police officers acting under this authority:
 1. May not enforce the provisions of the Maryland Vehicle Law beyond the officer's sworn jurisdiction.
 2. Must be serving in a full duty capacity without restrictions or limitations. Officers on medical leave, with suspended police powers or on a restricted duty are restricted from acting under this authority, except in the gravest of circumstances.
 3. Must act in accordance with this Department's general orders, rules and regulations.
 4. Are at all times and for all purposes, an employee of this department. As such it is the duty of this department to receive and investigate all allegations of misconduct on the part of an officer acting pursuant to this authority.

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5. May not serve arrest warrants, unless in conjunction with the lawful exercise of jurisdiction under this authority.
 6. Officers will carry their badge, identification card and authorized weapon whenever exercising authority granted by this general order.
 7. Consideration should be given to the equipment available and the possibility of injury to the officer, the suspect or a third party in the event that action is taken without essential equipment and/or the availability of backup assistance, to accomplish a lawful arrest.
 8. May not use their personal vehicle or any unauthorized equipment.
 9. May not use this authority while working within the scope of a security type secondary employment, unless acting at the request or, or rendering assistance to another police officer.
 10. Must be MPTC certified as a police officer and successfully completed the probationary period.
- (b) Required Action:
1. When a police officer exercise's authority pursuant to these statutes, the following is required:
 - (a) Consideration must be given to notifying on-duty police officers to have them take the necessary enforcement action.
 - (b) Must assess the consequences of any action taken to include the possibility of injury to the officer, the suspect or a third party and must consider whether there might not be sufficient information available to arrest the suspect at a later time.
 - (c) If practical, the officer should identify him/herself as a police officer by displaying their badge and/or identification card and announcing the intent to arrest. Officers should also be prepared to identify themselves to citizens in the vicinity and to responding police officers.
 - (d) Arrest the individual in a lawful manner by securing the suspect in a safe, efficient way that assures the arrestee's safety and security without unnecessarily endangering the suspect, the officer or third parties.
 - (e) Seize and protect any evidence.
 - (f) Notify, or have notified, the local law enforcement agency having primary jurisdiction and request assistance in securing and transporting the arrestee.
 - (g) Except in extreme circumstances, do not attempt to transport the arrestee. Wait for assistance, if possible. Transport only as far as necessary to obtain assistance.
 - (h) Be guided by directions from the on-scene jurisdictional police officers exercising supervisory control over the incident. Follow all orders by the responding officers.

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- (i) Cooperate and participate in the handling of the arrestee and handling of evidence.
- (j) As soon as practical, notify or cause necessary notification to be made as detailed in this agencies notification general order.
- (k) Prepare court documents, insuring placement of proper charges against the arrestee and cooperate with the court officer as directed.
- (l) Cooperate with the jurisdictional agency in preparing the necessary reports, including administrative reports and the submission of evidence. Normally, the local jurisdiction will have responsibility for completing offense reports concerning the original incident.
- (m) Obtain copies of all associated reports and other pertinent documentation, and submit the copies to this Department along with the completion of an RMS report titled "Police Information Report-Extra Jurisdictional Arrest".

100.13 RENDING ASSISTANCE IN AN EMERGENCY

Maryland Annotated Code, Criminal Procedures Article, Section 2-101 (b), defines an emergency 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.

This general order limits an emergency to:

- (a) Felony in Progress
- (b) Violent misdemeanors in progress
- (c) Destruction of property that could result in injury or death
- (d) Probable cause to believe a felony has been committed or attempted

When rendering assistance in an emergency:

- (a) Limit action to that which will stabilize the situation.
- (b) Notify or have notified the primary jurisdictional police agency for the location of the incident, if not already on the scene.
- (c) Remain at the scene until the arrival of the primary police agency and render assistance as requested.
- (d) Report the incident and extent of involvement to the on-duty commander for the WSSC Police Department as soon as practical.
- (e) Complete a written report concerning the incident within this agency's RMS system as soon as practical and/or upon return to duty.

100.14 ENFORCEMENT ON WSSC PROPERTY BY OTHER JURISDICTION

- (a) Responding to Arrests: Generally, an officer who takes action outside his/her sworn jurisdiction pursuant to the authority granted in Maryland Code has the same responsibilities as would pertain within his/her own jurisdiction. If an officer from

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another jurisdiction makes an arrest on WSSC property, the responding WSSC PD officer should follow usual arrest procedures including:

1. Upon notification of the arrest, respond promptly to the scene and assume control of the situation, including giving direction to the arresting officer.
2. Render assistance 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, medical attention (if necessary) and processing of the prisoner.
7. Have the arresting officer accompany/respond to the booking facility and obtain all information necessary to complete required reports WSSC PD reports.
8. Submit all reports as required.
9. Instruct the arresting officer to complete a written statement concerning the event.
10. Provide the arresting officer with a copy of their written statement, this agency's incident report and all other relevant documents.
11. Ensure the arresting officer is properly summons for any court appearance.

(b) Booking Officer:

1. Booking officers shall likewise follow all usual procedures, including:
 - (a) Accept custody of the prisoner even though the arrest was made by an officer from another jurisdiction.
 - (b) Process according to established procedures, including arranging all appearances before the judicial officer in the local jurisdiction.
 - (c) Assume responsibility for the welfare of the prisoner.
 - (d) Maintain a log of all such activity.
- (c) Injuries: A police officer 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 in the officer's jurisdiction.
- (d) Compensation: A police officer that takes action pursuant to this law shall be compensated by this department in accordance with established procedures, as though he/she acted within the jurisdiction of the WSSC Police Department.
- (e) Property Damage: Damage to, or loss of equipment shall be handled in accordance with established procedures.
- (f) Responding to Arrests: Generally, an officer who takes action outside his/her sworn jurisdiction pursuant to the authority granted in Maryland Code has the same responsibilities as would pertain within his/her jurisdiction. If an officer from another jurisdiction makes an arrest within or on WSSC property, the responding WSSC police

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officer should follow and provide the same assistance as enumerated Section XII of this general order.