



# COTTAGE CITY POLICE DEPARTMENT

## GENERAL ORDER

### SUBJECT: **LAW ENFORCEMENT AUTHORITY**

### NEW REVISED RESCINDS

APPROVED: *GM*  
GEORGIA MILTENBERGER  
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

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#### **I. POLICY**

The Cottage City Police Department is a municipal police agency established by the Cottage City Charter funded entirely by revenues from Cottage City residents. The fundamental mission of the City police department is to protect life and property within the corporate limits of Cottage City through the provision of enhanced services to residents of the City beyond those police services provided by the Prince George's County Police Department. Except during assigned times under contract to certain specific neighboring communities or under the provisions of an existing M.O.U. or Agreement, it is not the mission, role, responsibility, function, nor do Cottage City police officers have the authority to provide voluntary services outside Cottage City.

Sworn officers of the Cottage City Police Department do not have the authority to initiate Police services, or provide a "police presence" outside the corporate limits of Cottage City unless directed to do so by this office, or in certain emergencies where City Police Officers are directed by a Prince George's County supervisor or dispatched by a Prince George's County Communication Center Dispatcher to assist the Prince George's County Police Department in a call for service outside the Corporate limits of Cottage City.

Cottage City police officers are vested with a wide range of authority and power granted to them by Common Law, State statutes, and the Cottage City Charter and Code of Ordinances.

## II. STATUTES

- A. The Maryland Code, Criminal Procedure Article, Section 2-105, authorizes an incorporated municipality in the State "To establish and maintain an adequate police force." Cottage City became an incorporated municipality in 1924. Legal References to the incorporation are located in the Cottage City Charter.
- B. The Cottage City Charter, Section 18-45, authorizes the establishment of a police force and defines the general duties of the officers.
- C. A "police officer" is defined in the Annotated Code of Maryland, Public Safety Article, Section 3-101, states: "'Police officer' means a person who has the authority to enforce the general criminal laws of this State and is a member of a police department, bureau, or force of an incorporated city or town."
- D. Authority to enforce ordinances and laws within the contracted areas and those with Mutual Aid Agreements comes from the respective agreements with those areas.
- E. Limited extra jurisdictional Authority in the State of Maryland granted under Public Safety Article 2-102, is defined in General Order 3-3. Officers should be aware that the Attorney General's Office has advised that in accordance with Article 2-102, local law enforcement agencies do not have the authority - emergency or not - to enforce traffic laws outside their area of responsibility in the absence of a specific agreement with the respective agency to do so. Cottage City does not have such an agreement with Prince George's County.
- F. Although not directly related to a Cottage City police officer's authority and responsibility, officers should be aware of Article 5-309.2, Courts and Judicial Proceedings "Law enforcement officer acting outside jurisdiction" which reads:
  - a. When not civilly liable. -A law enforcement officer acting outside the officer's jurisdiction but in the state, is not civilly liable, except to the extent that he would be if acting in his own jurisdiction, for any act or omission in preventing or attempting to prevent a crime, (emphasis added) or in effectuating an arrest, in order to protect life or property if:
    - (1) The action is not grossly negligent; and,
    - (2) The action is taken at the scene of the crime or attempted crime. (emphasis added)

### III. POLICY GUIDELINES

- A. Cottage City police officer presence outside the corporate limits of Cottage City is authorized:
1. When an officer needs assistance and a Cottage City officer is dispatched by the Prince George's County Communications Center or directed to respond by a County police supervisor.
  2. In response to a mutual aid request when dispatched by the Prince George's County Communications Center or directed to respond by a County police supervisor.
  3. When a Cottage City police officer observes a crime of violence, or a personal injury accident that is in the immediate vicinity of the Cottage City boundaries.

A Cottage City officer responding to these situations shall remain on the scene only until the threat of violence has subdued and/or a sufficient number of officers from Prince George's County or other jurisdiction arrive to handle the situation.

Upon the arrival of the first Prince George's County officer(s) and the immediate threat has been quelled, the Cottage City officer shall return to the Cottage City, unless specifically requested to remain on the scene by a County Police supervisor.

When a Cottage City officer responds to any of the above situations, he/she shall advise communications (when air time permits) that he/she is outside their primary jurisdiction and a Prince George's County officer must respond to handle the incident.

4. When on scheduled duty in a specific contract area. During this scheduled duty, officers will handle calls within their respective area. Except in accordance with the above policy, officer will not respond to calls in the contract area while not on duty in those specific areas.
  5. On a break in accordance with established guidelines.
- B. Officers who arrive on the scene of an incident requiring a law enforcement response outside of Cottage City may render necessary immediate assistance while notifying the appropriate jurisdiction.
- C. In any instance in which Cottage City Officers establish citizen contact, or act, under their law enforcement authority outside Cottage City, a written Cottage City report shall be submitted.