Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Elkton Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Elkton Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 AUTHORITY OF THE ELKTON POLICE DEPARTMENT

Certified members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Md. Code CP § 2-102; Md. Code PS § 2-412).

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE ELKTON POLICE DEPARTMENT

Officers may make arrests within the jurisdiction of the Elkton Police Department (Md. Code CP § 2-202):

(a) In compliance with an arrest warrant.

(b) Without a warrant:

1. When an individual commits or attempts to commit a felony or misdemeanor in the presence or within the view of the officer.
2. When the officer reasonably believes that an individual is committing a felony or misdemeanor in the presence or within the view of the officer.
3. When the officer has probable cause to believe that a felony has been committed or attempted, and the individual has committed or attempted to commit the felony, whether or not it was in the presence or within the view of the officer.
4. When there is probable cause to believe a person is in violation of an interim, temporary, or final extreme risk protective order in effect at the time of the violation (Md. Code PS § 5-610).
5. When the officer has probable cause to believe that the person has committed one of the crimes listed in Md. Code CP § 2-203 and that unless the person is immediately arrested, the person:
    (a) May not be apprehended.
    (b) May cause physical injury or property damage to another.
    (c) May tamper with, dispose of, or destroy evidence.

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6. When the officer has probable cause to believe that a person has engaged in certain stalking offenses as described in Md. Code CP § 2-205.
7. During certain public emergencies as described in Md. Code CP § 2-206.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ELKTON POLICE DEPARTMENT

Officers may make arrests, conduct investigations and otherwise enforce the laws of Maryland throughout the state, without limitations as to jurisdiction, while acting in accordance with Elkton Police Department policies and procedures, except for enforcement of the vehicle laws, when (Md. Code CP § 2-102; Md. Code CR § 5-802):

(a) The 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.

(b) The officer is assisting another law enforcement officer.

(c) The officer is acting at the request of a law enforcement officer or a Maryland State Police officer.

(d) An emergency exists.

(e) The officer is in fresh pursuit of a person who (Md. Code CP § 2-301):

1. Has committed or is reasonably believed by the officer to have committed a felony within the jurisdiction of the Elkton Police Department.
2. Has committed a misdemeanor in the presence of the officer within the jurisdiction of the Elkton Police Department.

An officer who acts outside his/her jurisdiction shall notify the appropriate state or local official as required by state law (Md. Code CP § 2-102; Md. Code CR § 5-802).

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters the following states as follows:

1. In Delaware, while in the pursuit of a person believed to have committed a felony, a misdemeanor or a violation of the motor vehicle code (11 Del. C. § 1932).
2. In the District of Columbia, while in pursuit of a person who has committed a felony or who the pursuing officer has reasonable grounds to believe has committed a felony (D.C. Code § 23-903).
3. In Pennsylvania, while in fresh pursuit of a person in order to arrest him/her (42 Pa.C.S. § 8922).
4. In Virginia while in fresh pursuit of a person to arrest him/her for committing a felony (Va. Code § 19.2-79).

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5. In West Virginia while in fresh pursuit of a person to arrest him/her for committing a felony (W. Va. Code § 62-11-1).

Whenever an officer makes an arrest in Delaware, the District of Columbia, Pennsylvania, Virginia or West Virginia, the officer shall take the offender to the appropriate judicial officer where the arrest occurred as soon as practicable (11 Del. C. § 1933; D.C. Code § 23-902; 42 Pa.C.S. § 8923; Va. Code § 19.2-79; W. Va. Code § 62-11-2).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Maryland constitutions.

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