



# Garner Police Department Written Directive

**Chapter:** 200 - Administration

**Directive:** 210.04 - Agency Jurisdiction and Mutual Aid

**Authorized by:** Chief Brandon Zuidema

**Effective Date:** October 1, 2014

**CALEA Standards:** 2.1.1, 2.1.2, 2.1.3, 2.1.4, (5<sup>th</sup> Edition).

**Last Revision:** January 5, 2007

## 210.4.1 - Purpose

The purpose of this directive is to establish guidelines for this agency's jurisdiction and for rendering aid to adjacent or concurrent law enforcement agencies when necessary.

## 210.4.2 - Policy

The Garner Police Department maintains agreements with other law enforcement agencies for the purpose of mutual aid and services as outlined in N.C.G.S. 160A-288. When requested by other agencies to initiate these agreements, the Department will attempt to provide as much service as practical and feasible.

## 210.4.3 - Geographical Boundaries (2.1.1)

- A. All official Town of Garner and Wake County maps are distributed and maintained by the Wake County GIS Department. The Garner Police Department and the City of Raleigh work together with Wake County to electronically share and maintain up-to-date and consistent maps.
- B. The geographical boundaries of the Town are updated after any annexation and patrol zones are assigned by the Department. All patrol officers have access to copies of maps outlining the geographical boundaries of the Town of Garner.
- C. Garner police officers have jurisdiction within the corporate limits, within a three-mile radius of those limits (except in the City of Raleigh), one-mile within the City of Raleigh, and upon owned or leased Town real property, wherever located (N.C.G.S. 15A-402 (b),(c), and House Bill 339, Chapter 197 of the 1963-Session Laws).

## 210.4.4 - Concurrent Jurisdiction (2.1.2)

- A. The primary responsibility of providing law enforcement services for the Town lies with the Garner Police Department. While the Department has the authority to enforce all laws within the Town, it shares this authority concurrently with other agencies.
  - 1. The Wake County Sheriff's Office has authority to enforce laws within the County, including in the Town of Garner corporate limits. However, because of tradition and mutual agreements, they do not normally answer calls for service or provide other services performed by the Garner Police Department within the Town limits.
    - a. The Sheriff's Office continues to have exclusive responsibility for civil process within the Town.

- b. When a situation arises involving County property located within the Town, the police officer that is dispatched to the scene will notify the Sheriff's Office.
  2. State officers, in accordance with N.C.G.S. 15A-402(a), have statewide jurisdiction and therefore, have arrest power for any crime that occurs in their presence within the Town, although their investigative jurisdiction is limited by State law.
  3. Private or company police agencies, in accordance with N.C.G.S. 74E: Company Police Act, shall have jurisdiction at the hospital, State institution, or corporation where they are contracted to provide police services.
- B. The following agencies also have concurrent jurisdiction within the Town of Garner:
1. Alcohol Beverage Control Officers - Jurisdiction relates to State and local ABC and drug laws. However, these officers may arrest for any criminal offense committed in their presence (N.C.G.S. 18B-501).
  2. Alcohol Law Enforcement Agents - Jurisdiction relates to the enforcement of State ABC and drug laws.
  3. Division of Motor Vehicle Enforcement Section Officers - Are authorized to enforce laws pertaining to N.C.G.S. Chapter 20.
  4. Marine Fisheries Enforcement Officers - Have the same arrest powers as Wildlife Officers, with the following differences: all offenses must be in the jurisdiction of the Marine Fisheries Commission; for stream obstruction offenses in N.C.G.S. Chapter 77; for all property owned, leased, or managed by the Department of Natural Resources and Community Development in connection with the conservation of marine and estuarine resources.
  5. Probation and Parole Officers - May arrest parolees on orders of the Parole Commission, and probationers for violating their probation, with an order for arrest.
  6. State Bureau of Investigation Agents – Have original jurisdiction is limited to arson, drugs, theft, or misuse of State property, and assaults on executive officers. They may be requested by the Chief of Police to assist in Department investigations.
  7. State Highway Patrol Troopers - Have general arrest powers for any offense committed within their presence and any crime committed on any street or highway, or other laws regulating travel and the use of a vehicle.
    - a. As a result of tradition and specific agreement, the State Highway Patrol will enforce traffic laws within the Town limits on State highways but Town police officers will investigate all traffic accidents that occur on State highways within the Town unless specifically dictated by separate memorandum of understanding.
    - b. The Highway Patrol will not normally respond to calls for service within the Town without a request from the Department.
  8. Wildlife Law Enforcement Officers - May arrest for any felony; for offenses involving boating and water safety, hunting, trapping, and fishing; for all offenses that either involve property owned or leased by the Wildlife Resources Commission or occur on wildlife refuges, game lands, or boating and fishing assess areas managed by the Wildlife Resources Commission; and breach of the peace; for an assault committed against them or in his or her presences; the offense of carrying a concealed weapon; and for offenses, such as resisting an officer, that challenge their authority or interfere with enforcing the law.

- C. It will be the duty of each employee of the Department to assist other law enforcement agencies in the execution of their duties while within the Town. Primary contact will be the on-duty Patrol Division supervisor. Assistance is to be provided, as requested, if that assistance is consistent with the Department's mission of providing service to the community.
- D. Employees of the Department are authorized to provide back-up support to units of other state and local agencies when these units are conducting police functions within the Town (e.g. traffic stops). Back up may be initiated through the Raleigh / Wake County Emergency Communications Center (RECC) or by on-site action of Department personnel.

#### **210.4.5 - Mutual Aid (2.1.3)**

- A. N.C.G.S. 160A-288 allows municipal and county law enforcement agencies to temporarily provide assistance to other municipal and county law enforcement agencies. This law provides for the lending and borrowing of personnel, equipment, and supplies.
- B. In addition to this legislation, the Department seeks to establish mutual aid agreements with neighboring law enforcement agencies to be in a position to provide or request emergency assistance without delay.
  - 1. Mutual aid agreements will include, at a minimum, the following:
    - a. The legal status of agencies and agency personnel responding to mutual aid requests;
    - b. Procedures for requesting mutual aid;
    - c. Identity of those persons authorized to request mutual aid;
    - d. Procedures for investing provider agency personnel with the legal authority to act within the receiver agency's jurisdiction;
    - e. Identity of persons to whom outside personnel are to report;
    - f. Procedures for maintaining radio communication with outside personnel;
    - g. Any expenditures which should be borne by the receiver agency to compensate for the use of the provider agency resources, and
    - h. Use of outside personnel in mass arrests, transporting prisoners, and operating temporary detention facilities.
  - 2. Mutual aid agreements will be reviewed periodically unless prescribed differently in the agreement to ensure they remain current.
  - 3. All mutual aid agreements will set forth an estimate of the amount of aid available from the provider agency. The safety and security of the Town of Garner is the Department's first concern. Only those resources which can be spared without leaving the Town unprotected or under-protected will be provided.
  - 4. Mutual aid agreements will be maintained in both electronic and hard copy format.
    - a. Electronic copies of the signed original will be maintained on the Department's document management software.
    - b. Original, signed hard copies will be maintained on file by the Records Unit.

- C. In the event that the Garner Police Department is contacted by another agency requesting aid, the Chief of Police, or designee, will be immediately notified so the situation can be reviewed and a determination made as to how many officers and what type of equipment will be sent to the requesting department. Similarly, the Chief, or designee, will make any necessary requests for mutual aid or services from other agencies.

#### **210.4.6 - Federal Law Enforcement Assistance Procedures**

In the event of an emergency which, in the opinion the Chief, requires federal law enforcement assistance, the Chief, or designee, is authorized to solicit aid from the appropriate federal agency in accordance with any requirements established by the particular agency contacted. The Chief, or designee, will contact the particular field office of the federal agency by telephone or, in the event of exigent circumstances, have RECC contact the field office by telephone.

#### **210.4.7 - National Guard Assistance (2.1.4)**

- A. An emergency may arise which requires the call-out of the North Carolina National Guard. If this is necessary, the Chief of Police, or designee, will notify the Town Manager.
- B. The Chief of Police, or designee, must request the call-out from the Mayor, or the highest elected official if the Mayor cannot be located. Once the permission is given, the Chief, or his/her designee, will contact the Wake County Emergency Management Coordinator by phone or pager, who will contact the State Emergency Management Team at the Governor's Office. The State Emergency Management Office will contact the National Guard.

#### **210.4.8 - Communications**

Communications with other agencies are coordinated through the RECC. Access to the statewide radio system can be made via the Voice Interoperability Plan for Emergency Responders (VIPER) system.