



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

[Signature]

Police Chief: John M. Fitzgerald

GENERAL ORDER: 3-2 LAW ENFORCEMENT AUTHORITY

DATE: 11/24/2015 Pages: 3 ◇ New ◇ Amended ◆ Revised—3-2

I. POLICY

The Chevy Chase Village Police Department is a municipal police agency established by the Chevy Chase Village Charter funded entirely by revenues from the Chevy Chase Village residents. The fundamental mission of the Village police department is to protect life and property within the corporate limits of Chevy Chase Village through the provision of enhanced services to residents of the Village beyond those police services provided by the Montgomery County Police Department. It is not the mission, role, responsibility, function, nor do Chevy Chase Village police officers have the authority to initiate police authority outside Chevy Chase Village.

Sworn officers of the Chevy Chase Village Police Department do not have the authority to initiate police action, or provide a “police presence” outside the corporate limits of Chevy Chase Village unless directed to do so by this office, or in certain emergencies pursuant to Maryland law, or where Village Police Officers are directed by a Montgomery County Police supervisor or dispatched by a Montgomery County Emergency Communication Center (ECC) Dispatcher to assist the Montgomery County Police Department in a call for service outside the corporate limits of Chevy Chase Village.

Chevy Chase Village police officers are vested with a wide range of authority and power granted to them by common law, state statutes, and the Chevy Chase Village Charter and Code of Ordinances.

Village Officers are authorized to carry weapons pursuant to State Law Article CR 4-203 (b) (1) (i). Non-sworn personnel are not permitted to carry weapons.

II. STATUTES

A. The Annotated Code of Maryland, Article 23A, subsection 2, (b) 22, authorizes an incorporated municipality in the State “To establish and maintain and adequate police force.”

Chevy Chase Village became an incorporated municipality in 1914. Legal References to the incorporation are located in the Chevy Chase Village Charter.

B. The Chevy Chase Village Charter authorizes the appointment of a chief police officer and defines the duties of the officers:

“The Board of Managers may appoint a chief police officer and any necessary policemen. The chief police officer and all police officers of the Village shall act under the immediate direction of the Village Manager and subject to the supervision of the Chairman of the Board and shall perform such duties, in addition to those herein prescribed, as the Chairman and the Board of Managers may direct. The said chief police officer and all other police officers of the Village shall preserve the peace, prevent disorderly or irregular meetings, and shall enforce and cause to be enforced all ordinances and regulations of the Village and all state and county laws within the corporate limits of the Village, and shall make and cause to be made all lawful arrests for and prosecute any and all violations of the ordinances and regulations of the said Village and any and all violations of any law of the State of Maryland, or of the County of Montgomery, committed within the corporate limits of said Village, and shall swear out all necessary warrants therefore. Such chief police officer and all such other police officers shall serve notices and processes required by this Act [Charter] or by any ordinance passed by virtue thereof, as directed.”

C. A “police officer” as defined in the Maryland Code, Public Safety, section 2-101 states: “Police officer” means a person who has the authority to enforce the general criminal laws of this State and is a member ofa police department, bureau, or force of an incorporated city or town.” Title 11, Sub-Title 147 defines a police officer as an officer authorized to direct or regulate traffic or to make arrests for violations of any of the provisions of the Maryland Law, or of local or other traffic laws or regulations.

D. Limited extra-jurisdictional arrest and non-traffic law enforcement authority in the State of Maryland granted under §2-101 of the Criminal Procedure Article as outlined in General Order 3-3 local law enforcement agencies do not have 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. Chevy Chase Village does not have such an agreement with Montgomery County, therefore Village officers are prohibited from enforcing traffic violation occurring outside of Chevy Chase Village.

III. POLICY GUIDELINES

- A. Chevy Chase Village police officer presence outside of the corporate limits of Chevy Chase Village is authorized:
1. When an officer within Montgomery County outside the Village needs assistance and a Village officer is **dispatched** by the Montgomery County Emergency Communications Center (ECC) or directed to respond by a County police supervisor.
 2. In response to a mutual aid request when **dispatched** by the Montgomery County Emergency Communications Center (ECC) or directed to respond by a County police supervisor.
 3. When a Village police officer observes a crime of violence, or a personal injury accident that is in the immediate vicinity of the Village boundaries.

A Village officer responding to these situations shall remain on the scene until the threat of violence has subdued and/or a sufficient number of officers from Montgomery County arrive to handle the situation.

Upon the arrival of the first Montgomery County officer, the Village officer shall return to the Village, unless specifically requested to remain on the scene by a County supervisor.

When a Village officer responds to any of the above situations, he/she shall advise ECC (when air time permits) that he/she is outside their primary jurisdiction and a Montgomery County officer must respond to handle the incident.

- B. Officers who arrive on the scene of an incident requiring a law enforcement response outside of Chevy Chase Village may render necessary immediate assistance while notifying the appropriate jurisdiction.
- C. In any instance in which Village Officers establish citizen contact, or act, under their law enforcement authority outside of the Village, a written Village report shall be submitted.

IV. ENFORCEMENT OF LAWS

- A. Sworn members of the Department shall enforce all applicable local, State, and federal laws.

- B. Officers have the authority to enforce criminal laws and take necessary actions when exercising the powers and authority granted them under the Limited Statewide Jurisdiction provisions of the Maryland Code, Criminal Procedure §2-102 (General Order 3-3, Extra-Jurisdictional Authority)
- C. Officers are authorized to take a juvenile into custody pursuant to the provisions of Maryland Code, Courts and Judicial Proceedings Section 3-814:
1. if the juvenile is a runaway, or
 2. pursuant to the Laws of Arrest, or
 3. if the juvenile is in danger due to his/her surroundings, or
 4. pursuant to an Order of the Court.
- D. Officers are authorized to take a mentally disordered person into custody without a Court Order pursuant to Maryland Code, Health-General §10-622 and 10-624, if they believe that:
1. the individual has a mental disorder; and
 2. the individual presents a danger to the life or safety of the individual or of others.
- E. Pursuant to the provisions of Maryland Code, Criminal Procedure, §9-114, officers have the authority to arrest a fugitive from justice (an individual wanted by a jurisdiction outside Maryland).
- F. Pursuant to the Maryland Code, Correctional Services, §6-107, officers are authorized to arrest an alleged parole or probation violator pursuant to a 'retake' warrant.
- G. Officers are granted the authority in the Maryland Code, Correctional Services §11-803, to arrest an escapee on the strength of a Retake Warrant issued by a local or regional detention facility.
- H. Pursuant to the Maryland Code, Criminal Procedure §2-106, an officer transporting a defendant to or from a District Court Commissioner in another jurisdiction has the same authority to maintain custody as if the officer was in Chevy Chase Village.
- I. Officers are authorized pursuant to the Transportation Article (TA), §26-201, to charge a person with a violation of the Maryland Vehicle Law if the officer has probable cause to believe that the person has committed or is committing a violation thereunder.
- J. Pursuant to the provisions of TA §26-202, an officer may arrest a person without a warrant if the person has committed or is committing any of the following violations within the view or presence of the officer:

- A violation of TA 21-1411 or TA 22-409 relating to vehicles transporting hazardous materials,
 - A violation of TA 24-111 or TA 24-111.1 relating to the failure or refusal to submit a vehicle for weighing or to remove excess weight from it.
1. An arrest is also authorized if a person has committed or is committing a violation of the Transportation Article within the view or presence of the officer and either:
 - The person does not furnish satisfactory evidence of identity; or
 - The officer has reasonable grounds to believe that the person will disregard the traffic citation (TA 26-202)
 2. An arrest is authorized within the officer's jurisdiction if an officer has probable cause to believe that the person has committed a violation of the following listed offenses:
 - Driving or attempting to drive while under the influence of alcohol, while impaired by alcohol, or in violation of an alcohol restriction;
 - Driving or attempting to drive while impaired by any drug, any combination of drugs, or any combination of one or more drugs and alcohol or while impaired by any controlled dangerous substance;
 - Failure to stop, give information, or render reasonable assistance as required by TA 20-102 and TA 20-104 in the event of a collision resulting in bodily injury to or death of any person;
 - Driving or attempting to drive a motor vehicle while the driver's license or privilege to drive is suspended or revoked;
 - Failure to stop or give information as required by TA 20-103 through TA 20-105 in the event of a collision resulting in damage to a vehicle or other property;
 - Any offense that caused or contributed to a collision resulting in bodily injury or death of any person; or
 - Fleeing or attempting to elude a police officer.
 3. Non-residents of Maryland may be arrested if an officer has probable cause to believe that the person has committed *a traffic* violation and the violation contributed to a collision.

- K. In accordance with Maryland Rule 4-212, only police officers or sheriffs are authorized to serve criminal process.
- L. Officers are authorized to serve/execute search warrants pursuant to the provisions of Maryland Code, Criminal Procedure, Section §1-203 of the Maryland Code and Maryland Rule 4-601.

This directive voids the previous version dated 3/6/2009.