

Bowie Police Department - General Orders



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AUTHORITY Chief John K. Nesky	ACCREDITATIONS STANDARDS CALEA STANDARDS: 1.2.1	TOTAL PAGES 3
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I. POLICY

The Bowie Police Department is a municipal police agency established by the City of Bowie Charter funded entirely by revenues from City of Bowie residents. The fundamental mission of the Bowie Police department is to protect life and property within the incorporated limits of Bowie 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 as otherwise authorized in this General Order, it is not the mission, role, responsibility, function of Bowie police officers to provide law enforcement services outside the City’s boundaries, nor do Bowie police officers have the authority to do so.

Sworn officers of the Bowie Police Department do not have the authority to initiate Police services, or provide a “police presence” outside the incorporated limits of Bowie unless directed to do so by this office, or in certain emergencies where City Police Officers are directed by a 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 city limits of Bowie.

Bowie police officers are vested with a wide range of authority and power granted to them by common law, State statutes, and the City of Bowie 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.” Bowie became an incorporated municipality in 1916. Legal References to the incorporation are located in the Bowie Charter.
- B. The Bowie Charter, Section 18A(39), authorizes the establishment of a police force and defines the general duties of the officers.

- C. A “police officer” is defined in the Maryland Code Annotated, Public Safety Article, Section §3-101, which 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. Maryland Code Annotated, Criminal Procedure Article §2-102, states, in part, that, subject to limitations contained in that section, “a police officer may make arrests, conduct investigations, and otherwise enforce the laws of the State throughout the State without limitations as to jurisdiction,” when:
- (i) 1. 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;
 - 2. the police officer is rendering assistance to another police officer;
 - 3. the police officer is acting at the request of a police officer or State Police officer; or
 - 4. an emergency exists; and
 - (ii) the police officer is acting in accordance with regulations adopted by the police officer’s employing unit to carry out this section.
- (4) The powers granted by this section are in addition to the powers granted by §§5-801, 5-802, 5-807, 5-808, and 5-901 of the Criminal Law Article and to the powers of fresh pursuit granted by Subtitle 3 of this title.
- E. Authority to enforce ordinances and laws within surrounding area with Mutual Aid Agreements comes from the respective agreements with those areas, as authorized by Maryland Code Annotated, Criminal Procedure Article §2-105.
- F. 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 pursuant to Maryland Code Annotated, Criminal Procedure 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 mutual aid agreement with the governing body of the jurisdiction in question to do so. Bowie does not have such an agreement with Prince George’s County.
- G. Although not directly related to a Bowie police officer’s authority and responsibility, officers should be aware of Maryland Code Annotated, Courts and Judicial Proceedings Article §5-309.2, “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. Bowie police officer presence outside the corporate limits of Bowie is authorized:
1. When an officer needs assistance and a Bowie officer is dispatched by the Prince George's County Communications Center or directed to respond by a 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 police supervisor.
 3. When a Bowie police officer observes a crime of violence, or a personal injury accident that is in the immediate vicinity of the City of Bowie boundaries.

A Bowie 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 when the immediate threat has been quelled, the Bowie officer shall return to the City of Bowie, unless specifically requested to remain on the scene by a County Police supervisor.

When a Bowie officer responds to any of the above situations, he/she shall advise communications (when air time permits) that he/she is outside the officer's primary jurisdiction and a Prince George's 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 Bowie may render necessary immediate assistance while notifying the appropriate jurisdiction.
- C. In any instance in which Bowie officers establish citizen contact, or act, under their law enforcement authority outside Bowie, a written Bowie police report shall be submitted.