

Chapter

Law Enforcement Role, Authority, and Relationships

Article

Agency Authority, Jurisdiction, and Mutual Aid

PURPOSE

To provide guidance about jurisdictional matters to Department personnel.

POLICY

It is the policy of the Department that all personnel will perform their duties within the geographic limits of the City of Loveland and outside the City of Loveland in accordance with the authority granted by Federal law, state law, municipal ordinances, and intergovernmental agreements.

DEFINITIONS

Concurrent jurisdiction means areas where the Department and one or more other law enforcement agencies may routinely effectuate an arrest or otherwise enforce state laws.

Extraterritorial jurisdiction means areas outside the boundaries of the City of Loveland and within the State of Colorado.

Mutual Aid means responding to another jurisdiction when requested to do so by that jurisdiction or another law enforcement agency having jurisdiction.

Territorial jurisdiction means the area within the boundaries of the City of Loveland.

GENERAL GUIDELINES**Enforcement Authority**

- State law – Department sworn officers have equal or shared authority to enforce state statutes with other agencies such as State Patrol, State liquor enforcement officers, and Fire arson investigators, pursuant to state law. Department officers also have authority through the various task forces where the Department is a participant and other intergovernmental agreements to enforce state laws with other agencies within Larimer County.
- Local ordinances – Department sworn personnel, community service officers, and City-designated code enforcement officers, have exclusive authority to enforce municipal charter and code violations within the boundaries of Loveland.

Visual Depiction of Territorial Jurisdiction <CALEA 2.1.1.1>

The Department maintains and displays a detailed official map showing the current City limits of the Department's territorial jurisdiction in the Communications Center and in the Patrol area. The City Planning Department provides updated maps showing newly annexed or de-annexed areas of the City. The Larimer Emergency Telephone Authority provides updated map data for computer-aided dispatch.



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Jurisdictional Uncertainty or Disagreement

In any situation that involves a jurisdictional question, the Communications Center shall attempt to determine as precisely as possible the appropriate law enforcement jurisdiction based upon the latest available data concerning the City's boundaries. If the Communications Center is unable to determine jurisdiction or there is jurisdictional conflict with another agency, then Communications will notify the on-duty patrol supervisor.

Concurrent Jurisdiction <CALEA 2.1.2>

The Department shall have equal or shared police jurisdiction and authority within the corporate city limits of Loveland with law enforcement agencies of the State of Colorado, the Larimer County Sheriff's Department and other Larimer County agencies who are party to an intergovernmental agreement. The agreement permits sworn officers with Larimer County law enforcement agencies to enforce state laws and effectuate arrests only when sworn officers notify the extraterritorial jurisdiction in Larimer County prior to taking action or, when prior notification is unreasonable, notification occurs as soon as reasonably possible after taking action within the extraterritorial jurisdiction in Larimer County.

The Department has primary jurisdiction within the corporate limits of the City and should be the first agency of response. The Department has exclusive jurisdiction in all matters concerning the municipal code within the corporate limits of the City. Both the Larimer County Sheriff's Department, the Colorado State Patrol and participant agencies in the above-mentioned agreement have the authority to enforce state statutes within city jurisdiction together with the Loveland Police Department.

Extraterritorial Jurisdiction <CRS § 16-3-110> <CRS § 16-3-106>

Department sworn officers may act in their official capacity, whether on-duty or off-duty, outside the boundaries of the city of Loveland, but within Colorado, in the following situations outside of Larimer County:

- When a felony or misdemeanor is being committed in the officer's presence that, in the judgment of the officer, requires immediate police intervention
- In response to a request for assistance by another agency (Mutual Aid or other assistance)
- When assigned to a multi-jurisdictional task force or multi-agency enforcement activity
- When in fresh pursuit of an offender with knowledge that a warrant has been issued or the officer has probable cause to believe a crime has been committed

Officers must determine whether immediate police intervention is necessary based on the totality of the circumstances known to the officer at the time including, but not limited to: severity of the crime, availability of equipment and resources for the officer, and safety of self or others.

If an officer determines that immediate police intervention is necessary, the officer shall:

- Notify the law enforcement agency with jurisdiction as soon as practicable to coordinate appropriate law enforcement action
- When practical, identify themselves as a police officer prior to taking police action

Officers involved in any type of extraterritorial police action while on or off-duty shall follow all policies of the Loveland Police Department. Such actions when not on duty shall be handled according to the



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Department's policy regarding off-duty encounters. Officers involved in extraterritorial police action other than in response to mutual aid request or when assigned to a multi-jurisdictional task force or enforcement activity, will, as soon as practical, contact the on-duty supervisor at the Department to report the actions.

Mutual Aid <CALEA 2.1.3 (a-g)>

Mutual aid agreements with other law enforcement agencies for response in disaster or other emergency circumstances shall be in writing and reviewed according to Department's policy regarding contractual agreements, and must include:

1. the legal status of agencies and agency personnel responding to mutual aid requests;
2. procedures for vesting provider agency personnel with the legal authority to act within the receiver agency's jurisdiction;
3. procedures for requesting mutual aid;
4. identity of those persons authorized to request mutual aid;
5. identity of persons to whom outside personnel are to report;
6. procedures for maintaining radio communication with outside personnel;
7. expenditures, if any, which should be borne by the receiver agency to compensate for the use of the provider agency's resources; and
8. procedures for review and revision if prescribed in the agreement.

Providing Mutual Aid

When requested by another agency, the Department will provide Mutual aid if, in the on-duty patrol supervisor's discretion, the Department has sufficient resources and personnel to do so without compromising the staffing levels required to provide services to the citizens of Loveland.

Requesting Mutual Aid

The Department may request mutual aid from another agency when a natural disaster or other emergency has occurred or is likely to occur within the City boundaries that has exceeded or is likely to exceed the Department's available resources to respond effectively to the disaster or emergency.

At the conclusion of a mutual aid response (to or by the Department) the Chief of Police or designee will create a report that includes all information needed for emergency assistance reimbursements or grants from state, federal or other agencies.

