



NEW CASTLE COUNTY POLICE

Functional and Jurisdictional Responsibilities Agreement

DIRECTIVE 2

Appendix 2-A

(REVISED SEPTEMBER 30, 2020)

DELAWARE STATE POLICE / NEW CASTLE COUNTY POLICE
FUNCTIONAL AND JURISDICTIONAL RESPONSIBILITIES
AGREEMENT FOR NEW CASTLE COUNTY

1. This agreement provides the basis of the functional and jurisdictional responsibilities in New Castle County.
2. Every effort shall be made to comply with the intent of this agreement; however, when a case arises which is not dispatched within the scope of the agreement, the complaint mask shall be identified by placing "N-A" on the complaint screen.
3. Every member of the division shall strive to improve the working relationship between the Division of State Police and New Castle County Police. The goal of this program is to provide the citizens of New Castle County the best police service available. All members shall work toward this goal.
4. History – Notwithstanding the modifications contained herein, this agreement represents the provisions contained in other agreements between the parties hereto, described as follows:
 - A. Agreement between the Governor of the State of Delaware and County Executive of New Castle County, Delaware, for Pilot Jurisdictional Program in New Castle County, November 1, 1975, to February 1, 1976.
 - B. Agreement between the Governor of the State of Delaware and the County Executive of New Castle County, Delaware, for a continuation of the Pilot Jurisdictional Program in New Castle County, effective February 2, 1976.
 - C. Agreement between the Governor of the State of Delaware and the County Executive of New Castle County, Delaware, for an amendment of the Police Jurisdictional Program in New Castle County, effective April 1, 1979.
 - D. Agreement between the Governor of the State of Delaware and the County Executive of New Castle County, Delaware, for an amendment of the Police Jurisdictional Program in New Castle County, effective May 1, 1981.
5. Purpose – To define the functional and jurisdictional responsibilities of the Delaware State Police and the New Castle County Police in New Castle County in order to provide improved police service in a coordinated approach to public safety.

6. Scope – This agreement extends to all areas within New Castle County with the exception of those incorporated areas having contractual agreements with either the County Police or State Police for full time police coverage. In cases of this nature, the police agency under contract will have primary jurisdiction over police functions.

7. Functional Responsibilities for Police Service

A. Delaware State Police – The Delaware State Police shall have primary responsibility for patrolling and investigating requests for police services on interstate highways, freeways, U.S. Route numbered highways, Delaware route numbered highways, primary roads, secondary roads and the abutting residences, commercial establishments, industrial sites and other structures along said roadways. Roadways under the State Police jurisdiction are identified on the attached list which has been approved by the two police agencies. The Delaware State Police shall have primary responsibility for the delivery of police service in incorporated cities or towns, south of the Chesapeake and Delaware Canal. In the event any incorporated city or town agrees to pay New Castle County taxes that would offer police coverage, this portion of the agreement will be reexamined. The Delaware State Police shall have primary responsibility for the delivery of police service on the Delaware River and Bay, the Chesapeake and Delaware Canal Wildlife Area, U.S. Reservations, and all railroad property with the exception of railroad property within the incorporated limits of Middletown. The Delaware State Police will have primary responsibility for any construction site which is primarily commercial or industrial in nature and any commercial or industrial location which abuts on at least one side or has direct access from any road under their primary responsibility. The Delaware State Police will have primary jurisdiction over the delivery of police services within all schools, both public and private.

B. New Castle County Police – The New Castle County Police shall have primary responsibility for patrolling and investigating requests for police service on those roadways described on the official list approved by the two police agencies (see attached list), including commercial, industrial and residential areas abutting those roadways. The New Castle County Police Department will have primary responsibility for providing police service in residential developments. The New Castle County Police will have primary responsibility for patrolling and investigation requests for police services in residential apartment complexes, mobile home

(trailer) parks, and any construction site which is primarily residential in nature. The New Castle County Police shall also have primary responsibility where two or more homes share a common private drive or roadway (or a common address) off of a roadway under State Police jurisdiction identified on the attached list.

C. Joint Areas of Acknowledgement not covered by Paragraph A or B

1. When a call for police service occurs in an area which does not fall clearly within the definition of Paragraph A or B, it shall be investigated by the nearest available patrol unit, regardless of the police agency.
2. When the appropriate patrol unit is not available or in the immediate vicinity of a serious crime reported to be in progress, or an incident which has or it likely to result in serious physical injury, the nearest police unit will be dispatched regardless of the police agency. The subsequent investigation of such complaints will be conducted by the appropriate agency, as set forth in Paragraph A and B, unless deadly force is directed at or used by the initial officer on the scene. In such cases, the officer's department will have primary jurisdiction for the entire investigation.
3. The Delaware State Police will have primary responsibility for investigating incidents which occur at or within any intersection where a road under the jurisdiction of the County Police meets a road under the jurisdiction of the State Police. (Roadways under the State jurisdiction will be considered primary and will be predominant in determining the investigation of any occurrence.)
4. The Delaware State Police will have primary responsibilities for patrolling and investigating calls for service at the Chemical complexes surrounding the Delaware City Refinery, and any construction site which is primarily commercial or industrial in nature and any commercial or industrial location which abuts on at least one side or has direct access from any road under their primary responsibility, as directed in Paragraph A.
5. When a police unit, while on his/her duty tour, witnesses a criminal act in progress, which has not been reported and makes an apprehension, the following jurisdictional policy shall be utilized:

- a. The agency for which said officer works will have primary investigative responsibility for that incident.
 - b. When such investigations are conducted, the investigating agency will be responsible for notifying the other agency of the investigation. Such notification shall be made expeditiously. In addition, a report of investigation will be supplied to the other agency as soon as possible.
6. Aviation accidents will be investigated by the agency with primary responsibility for providing police services in the area of initial point of impact.

D. Vice and Organized Crime

1. The Delaware State Police will have the primary responsibility for the control and investigation of vice and organized crime in New Castle County.
2. The New Castle County Police will conduct investigations of vice and organized crime only as it relates to their primary responsibility of providing residential police service to the communities of New Castle County. The investigations will be coordinated wherever possible with the appropriate units of the Delaware State Police.
3. Information and resources shall be freely exchanged between members of both departments.

E. Narcotic and Dangerous Drug Enforcement

1. The agencies acknowledge that the effect of drug law violations is both a statewide and community-level law enforcement problem. Therefore, it is agreed that both departments will maintain an active program for the detection and apprehension of drug law violators at their respective level.
2. The Delaware State Police and New Castle County Police will coordinate their investigations wherever possible. Information and resources shall be freely exchanged between members of both departments.

8. Governmental Functions

- A. The agencies acknowledge that police service or investigations of crimes occurring in State-maintained institutions, parks and Governmental functions will be the primary responsibility of the Delaware State Police.
- B. The agencies acknowledge that police service or investigations of crimes occurring in County-maintained institutions, parks and Governmental functions will be the primary responsibility of the New Castle County Police.

9. Miscellaneous Functions

A. Juveniles

- 1. The agencies acknowledge that the Delaware State Police and the New Castle County Police both maintain units engaged in the investigation of juvenile complaints, delinquency prevention and maintaining liaison with civic organizations and other agencies.
- 2. The Delaware State Police shall have the primary responsibility for police service within any school or on school property.
 - a. For the purpose of this section, “school” shall be defined as any public or private institution for the education and instruction of children or young adults.
 - b. “School property” shall be defined as any school building, grounds, athletic field, maintenance buildings, administration building or school construction sites.
 - c. All day care centers and closed school buildings, either abandoned or converted to other non-educational uses, will be handled in accordance with the jurisdictional agreement by location.
- 3. The Delaware State Police shall have primary responsibility for police service for any alleged incident which is reported to have occurred within the confines of any school bus, regardless of the location or time of day, when being used in a school sanctioned activity.

B. Other Assistance

1. In the event assistance in matters of public safety is requested by the Chief Executive of an incorporated area of New Castle County, such assistance shall be the primary responsibility of the agency who receives such requests.

In signing this document, the parties certify that they are in full accord with the provisions contained herein. The effective date of this agreement will be January 1, 1999.

County Executive Governor
New Castle County State of Delaware

Date

Chief of Police Superintendent
New Castle County Police Delaware State Police

Date

The following listed roadways will be the primary jurisdiction of the Delaware State Police:

U.S. Route 13 DuPont Highway
U.S. Route 301 Summit Bridge Road
Warwick Middletown Road
DE Rt. 9 From the C & D Canal to the Kent County Line
Port Penn Road
Liberty Street (in Port Penn)
Market Street (in Port Penn)
Congress Street (in Port Penn)
River Road
Augustine Road
Bayview Road
Silver Run Road
Thomas Corner Road
Thomas Landing Road
Stump Corners Road

Taylors Bridge Road
Flemmings Landing Road
DE Rt. 299 (With exception of the portion which is within the town of
Middletown)
Middletown-Odessa Road
Warwick-Middletown Road
DE Rt. 896 Summit Bridge Road
Boys Corner Road
DE Rt. 71 Summit Bridge Road
DE Rt. 1
DE Route 15 Bethel Church Road
Levels Road
Dogtown Road
Blackbird Station Road
Dexter Corners Road
Van Dyke-Greenspring Road
Clayton-Greenspring Road
Choptank Road
Alabam Road – D.C.C. Access Road
Alley Mill Road – Connects Route 15 to Kent County
Armstrong Corner Road – Connects to Choptank Rd. (Route 15) and Marl
Pitt Rd.
Bayview Road – Main connection between Route 13 and Route 9
Bethel Church Road – Connects Route 15 to Maryland State Line
Black Diamond Road – Connects Blackbird Greenspring Rd. to Paddock
Rd. (DCC)
Black Stallion Road – Connects Harvey Straughn to Clayton Delaney
Road
Blackbird Greenspring Rd. – Connection between Rt. 15 and Blackbird
Forest Rd.
Blackbird Forest Road – Connects Delaney Road with Route 71
Blackbird Landing Road – Connects Rt. 13 and Union Church Road
Blackbird Station Road – Connects Rt. 15 to Blackbird Forest Road
Brick Store Landing Road – DCC Access Road
Bunker Hill Road – Main connection between Maryland and Route 301
Cedar Lane Road – Main connection between Rt. 896 and Marl Pitt Road
Cedar Swamp Road
Chestnut Lane – Connects Noxontown Road to Route 13
Churchtown Road – Main connection from Route 71 to Maryland Line
Clark Farm Road – New DSP Firing Range Location
Clayton-Delaney Road – Borders Kent County Line
Coldwell Corners Road – Connects Maryland Line to Route 71 via
Townsend
Collins Beach Road – Surrounds Cedar Swamp State Park
Deakynneville Road – Surrounds Cedar Swamp State Park

Deer Run Road

Delaney-Maryland Line Rd. – Connects Delaney Road to the Maryland
Line

Dexter Corners Road – Main Road from Route 15 to Townsend

Duck Creek Road – Connects Kent County to Smyrna Landing Road

Dutch Neck Road – Connects Rt. 9 with Port Penn Road

Eagles Nest Landing Road – DCC Access Road

Ebenezer Church Road

Emerson Road

Fieldsboro Road – Connects Route 13 to Route 9

Gardener Road

Grears Corner Road – Connects Route 15 to Coldwell Corner Road

Green Giant Road – Connects Route 71 to Maryland

Gum Bush Road

Hammond Road

Harvey Straughn Road – Connects Route 15 to Delaney Road

Jamison Corner Road – Connects Route 13 to Route 9 via Hyetts Corner
Road

Joe Goldsborough Road – Connects Duck Creek Road to Route 13

Levels Road – Connects Route 15 to Maryland Line

Lloyd Guessford Road

Lorewood Grove Road – Main connection between Route 13 and Route 71

Market Street – Main Road into Port Penn

Marl Pitt Road – Main connection between Route 71 and Route 13

Massey Church Road – Connects Blackbird Forest Road with Route 15

McKay's Corner Road

McQuail Road – DCC Access Road

Middle Neck Road

Money Road

Morris Road

New Discovery Road

Noxontown Road – Main connection between Route 71 and Route 13

Oak Hill School Road – Connects Harvey Straughn Road to Blackbird
Forest Road

Old Corbitt Road – Connects Route 9 to Old State Road

Old Schoolhouse Road – Main connection between Route 71 and Route
15

Old State Road – Connects Route 9 and Old Corbitt Road

Oliver Guessford Road

Paddock Road – Connects Route 13 to DCC

Pine Tree Road – Main connection between Route 13 and Route 71

Pole Bridge Road – After Route 896 crosses Route 13, it becomes Pole
Bridge Rd.

Port Penn Road – Connects Route 13 to Port Penn

Ratledge Road – (Southern)
Road 491 – Connects Paddock Road to Route 9
Saltree Road – Divides Blackbird Forest
Saw Mill Branch Road
Saw Mill Road
Shallcross Lake Road – Main connection between Marl Pitt Road and
Route 13
Silver Lake Road – Connects Noxontown Road and Route 299
Smyrna Landing Road – Access to DCC
Strawberry Lane
Thoroughfare Neck Road – Surrounds Cedar Swamp State Park
Union Church Road – Connects Route 13 to Route 9
Vance Neck Road – Main connection between Route 13 and Route 9
Van Dyke-Greenspring Road – Connects Route 15 to Maryland Line
Van Dyke-Maryland Line Road
Walker School Road
Wiggins Mill Road

**The following listed roadways will be the primary jurisdiction of the
New Castle County Police:**

Bohemia Mill Road
Brick Mill Road
Graylag Road
Hyetts Corner Road
Old Summit Bridge Road
Ratledge Road – (Northern)
Road 412A
Stave Landing Road
Thomas Landing Road
Thorntown Road