



I. AGENCY JURISDICTION AND MUTUAL AID

- A. The purpose of this directive is to define the boundaries **(Appendix 2-A)** of the Agency's primary jurisdiction and to establish duties and responsibilities for providing or receiving mutual aid or concurrent jurisdiction with other agencies that may affect the New Castle County Police. Sector maps are located in the Regional Communication Center (RECOM) and in the Southern Patrol Unit. Each officer shall be provided with a map or street index of New Castle County. **(2.1.1)**
- B. The primary jurisdiction of New Castle County Police officers is defined as the geographic area within the territorial limits of the County of New Castle as defined by the official map of New Castle County and in the initial jurisdictional agreement entered on November 1, 1975. That forms the basis of the functional and jurisdictional responsibilities between the New Castle County Police and the Delaware State Police in New Castle County. **(Appendix 2-A) (2.1.1) (2.1.2)**

The Governor of the State of Delaware and the New Castle County Executive have signed a continuation of the agreement between the New Castle County Police and the Delaware State Police concerning the delivery of police services in New Castle County, effective January 1, 1999. Copies of the jurisdictional agreement shall be maintained in the Directive Manual under Appendices 2-A and 2-B.

- C. 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, (i.e., referred to as an "N/A" complaint), that complaint shall be identified by logging it in the Computer Aided Dispatch (C.A.D.) system as an assist for that particular agency.
 - 1. It is the officer's discretion as to whether a report will be written when responding to a "Not/Available" complaint.

D. Every member of the Agency shall continually strive to improve the working relationship between the New Castle County Police and the Delaware State Police. The goal of the New Castle County Police is to provide the citizens of New Castle County with the best police service available. All members shall work toward this goal.

E. Primary Jurisdiction

1. All New Castle County police officers shall have the authority to enforce the laws of the State of Delaware and the Codes of New Castle County and/or otherwise perform the functions of that office in their primary jurisdiction.
2. The officer shall perform any other functions that reasonably require action to preserve, protect, or defend persons or property or to otherwise maintain the peace and dignity of the County of New Castle and the State of Delaware.

F. Statewide Jurisdiction

1. The following is a brief summary of the arrest powers of police officers under the current statutes and case law. The courts have held that in absence of statutory or constitutional authority, police officers cannot act outside the territorial limits of the body (New Castle County) from which they derive authority. These sections apply to New Castle County Police, who have been certified under **Title 11, Chapter 84, of the Delaware Code**. The general rule is that a New Castle County Police Officer may not arrest outside New Castle County jurisdiction. There are five main exceptions:
 - a. The statewide authority to make a warrantless arrest for a felony committed in the officer's presence.
(Title 11, Section 1911(b), of the Delaware Code).
 - b. The authority to make a warrantless arrest outside of an officer's jurisdiction when the offense was committed in the officer's jurisdiction and the officer is in fresh pursuit.
(Title 11, Sections 1931 and 1935 of the Delaware Code).

- c. The authority of an on-duty officer to execute an arrest warrant in the State of Delaware when the offense was committed within the officer's jurisdiction.
(Title 11, Section 1911(c), of the Delaware Code). The officer should take reasonable measures to notify the police agency of primary jurisdiction of the intended time and place of the execution of the arrest warrant.
- d. The common law authority to make an arrest as a private person when an offense constituting a breach of peace is committed in the officer's presence.
(Title 11, Section 1904(a)(1), of the Delaware Code).
- e. The authority which provides that an officer may assist another officer anywhere within the State of Delaware when he reasonably believes that the other officer is lawfully performing his duty and that death or injury will occur to the officer unless assistance is provided.
(Title 11, Section 1911(d), of the Delaware Code).

G. Mutual Aid

1. Definition:

The mutual aid agreement is a covenant between local governments enabling the police of one jurisdiction to enter another jurisdiction for the purpose of rendering assistance upon the request of another jurisdiction.
(Title 11, Section 1942, of the Delaware Code) (2.1.3.a).

- 2. Whenever the necessity arises during an emergency, the police of one jurisdiction may, pursuant to Title 11, Chapter 19, Subchapter III, of the Delaware Code, lawfully enter another jurisdiction for the purpose of assisting in meeting such an emergency.
(Title 11, Section 1943, of the Delaware Code) (2.1.3.a) (2.1.3.b).

- 3. Consent for mutual aid includes investing provider agency personnel with the authority to act within the receiver agency's jurisdiction. **(2.1.3.b)**

H. Mutual Aid (other)

1. Any supervisory officer of an incident/investigation may request the specialized assistance, during emergency situations, of federal, state, and local law enforcement support agencies, including the U.S. Attorney's Office, FBI, ATF, DEA and the Attorney General's Office of Delaware through a member of the Command Staff. Long term commitments of Agency personnel and resources involving joint investigations with federal law enforcement agencies require the prior approval of the Chief of Police. **(2.1.4)**
2. Typically, Mutual Aid requests occur during emergencies, such as:
 - a. Civil disorder
 - b. Natural disasters
 - c. State of war
 - d. Other public disasters
 - e. Any other circumstances which, in the judgment of the principal law enforcement officer of the requesting jurisdiction, requires additional police assistance, and shall include such planned or anticipated or scheduled events that will require additional police resources beyond the reasonable capacity of the requesting jurisdiction.
(Title 11, Section 1942, of the Delaware Code)
3. Handling requests for Mutual Aid:
 - a. All calls for assistance received by way of "911" are considered emergencies by their very nature. **(2.1.3.c)**
 - b. The on-duty squad commander and the staff duty officer shall determine the need for mutual aid, and shall make the request accordingly. **(2.1.3.d)**
 - c. Whenever any of the previously mentioned mutual aid agencies request the assistance of the other in an emergency, the requested agency will respond and render assistance until the emergency has ended, allowing sufficient time for completing all follow-up activity and/or investigation. **(2.1.3.c)**

- d. The ranking command officer of the requesting agency is to be considered the officer in charge at the scene.

(2.1.3.e)

- e. The appropriate Unit Commander or investigating officer may make, by radio through RECOM or by telephone, notice that the members of one agency are entering another's jurisdiction.
- f. Any agency may request assistance from the other to conduct, but will not be limited to the following:
 - 1) Undercover operations.
 - 2) Surveillance.
 - 3) Investigation.
 - 4) Mass or individual prisoner processing.
 - 5) Prisoner transport.
 - 6) Operation of temporary detention facilities.
- g. Prior to such assistance being supplied by the New Castle County Police to any other agencies, a supervisor must approve said request.
 - 1) Supervisors deciding to commit personnel and resources to other agencies will notify the Patrol Squad Commander of the commitment as soon as practical.
 - 2) The Patrol Squad Commander will notify the Staff Duty Officer who will determine and authorize calling in additional personnel if needed.
 - a) The decision to provide mutual aid to any agency is contingent upon the primary concern of the New Castle County Police, which is to provide police services to the citizens of New Castle County.

- b) The Staff Duty Officer must ensure that the New Castle County Police, as a provider of mutual aid, has adequate staffing for its own police mission and jurisdiction. The Mutual Aid Agreement shall include the amount of aid available from provider agencies.
 - c) (See Mutual Aid Agreements and Title 11, Sections 1941-1947 of the Delaware Code for further information). **(2.1.3.h)**
 - d) This section also applies to special units of the New Castle County Police who routinely work with special units of other agencies and is not meant in any way to impede that relationship, (i.e., Criminal Investigation Unit, Mobile Enforcement Team, etc.)
 - e) Expenditures for Mutual Aid, if any, (other than personnel costs), shall be borne by the receiver agency to compensate for the provider agency's resources. **(2.1.3.g)**
 - f) Mutual Aid agreements with this Agency will be reviewed annually and recommendations for revisions will be made if needed. **(2.1.3.h)**
4. All agencies agree that it will become necessary for the officers of one agency to enter the jurisdiction of another agency in the normal execution of their official duties:
- a) When New Castle County Police officers plan to enter another jurisdiction to conduct investigations or other official police business the following shall occur:
 - 1) Notice shall be given to the emergency communications center personnel who shall notify the affected police jurisdiction.

- 2) Such notice shall include:
 - a) The identity of all police personnel involved.
 - b) The location of their activity.
 - c) The nature of their activity.
 - d) When their activity will be completed.
- b) If prior notice is not possible, notice shall be given as promptly thereafter as possible.
- c) The New Castle County Police request that agencies who enter the jurisdiction of the County Police to conduct an investigation or any other official police business notify the Agency.
5. Whenever the police of one agency enter the jurisdiction of the other pursuant to an emergency request:
 - a. The requesting agency will indemnify the officers of the other agency from any and all claims by third parties for property damage or personal injury arising out of the authorized activities of the assisting agency.
 - b. Whenever the police of one agency enter the jurisdiction of another under any circumstances other than those defined as emergencies, the agency that controls the actions of the officer(s) on the scene are solely responsible for their actions.
6. Any of the agencies may be called as needed to provide expertise or to assist the New Castle County Police.
 - a. If assistance is used, all areas will be noted in the crime report describing in detail the actions of the support agency.
7. The services of these agencies may also be employed in a crime of continuous jurisdiction or if the New Castle County Police does not possess the expertise or resources required.

I. Mutual Aid (National Guard)

1. If the New Castle County Police, neighboring departments and the Delaware State Police are unable to cope with an emergency situation, it may become necessary to call upon the Delaware National Guard for assistance.
2. The authorization to request National Guard assistance lies with the Chief of Police in consultation with the Director of Public Safety or his/her designee.
3. Once the decision has been made to contact the National Guard, the New Castle County Office of Emergency Management will make the formal request through the Delaware Emergency Management Authority (DEMA). DEMA will in turn make the formal request through the Office of the Governor of Delaware. **(2.1.4)**

J. Mutual Aid (Non-Agreement Municipalities)

1. The primary investigating officer or appropriate unit commander will advise the local municipal department of the police function requiring members of their agency to be in their city or town and to coordinate the service with them.
2. If the situation is of an emergency nature (hot pursuit or will jeopardize security of operation), the local police will be notified as soon as possible after the action, and at that time they will be advised of all pertinent information.

II. REGIONAL SERVICES

A. Statewide Radio Network

1. The statewide emergency network (S.W.E.N.) is accessible on police radios.
2. This channel shall be used for Mutual Aid operations and coordination of unusual events within the State of Delaware such as:
 - a. Civil disturbances
 - b. Natural disasters
 - c. Manmade disasters
3. Each officer has the capability to access this network on both the vehicle mounted police radio and the officer's individual portable radio. **(2.1.3.f)**

B. National Radio Network

1. The National Law Enforcement Network (N.L.E.N.) can be accessed on police radios.
2. This channel shall be used to coordinate police agencies during incidents that take agencies across state lines.
3. It is only to be used when this Agency becomes involved with an out of state authority.
4. Each officer has the capability to access this network on both the vehicle mounted police radio and the officer's individual portable radio. **(2.1.3.f)**

C. Statewide Fingerprint Records System

1. The State Bureau of Identification (S.B.I.) files and maintains the state fingerprint cards and their related information obtained by this Agency.
2. These cards are forwarded to S.B.I. via the Agency's Records Unit on a weekly basis.

3. The centralized repository concerning the data supplied by this Agency routinely provides information to this Agency.
4. Guidelines describing the New Castle County Police responsibilities are outlined in the Records Unit Internal Operating Procedure and Directive 82.

D. Centralized Statewide Criminal Information System

1. The Delaware Justice Information System (DELJIS), maintains a statewide criminal information system.
2. The information contained in the system is accessible to members of the Agency to help facilitate thorough investigations of criminal activity.
3. Information concerning the following incidents is entered into the system with a case number:
 - a. Agency Data Officers enter information on:
 - 1) Stolen property.
 - 2) Missing property.
 - 3) Recovered property.
 - 4) Missing persons.
 - 5) Found persons.
 - 6) Wanted persons.
 - 7) Arrested persons.
 - b. Records Unit personnel enter information on:
 - 1) Suspects.
 - 2) Victims.
 - 3) Witnesses.
 - 4) Incident locations.
 - 5) Incident type.

c. State Bureau of Identification (S.B.I.) employees enter information on:

1) Criminal histories.

4. Additional information concerning DELJIS and Agency procedures are available in Directive 82.

E. Statewide Crime Reporting System

1. The National Uniform Crime Reporting (U.C.R.) System is utilized by this Agency.

a. This system provides information on trends in crime and arrest rates.

b. This system increases the accuracy of the National Uniform Crime Report compiled by the FBI.

2. Guidelines describing the Agency's responsibilities are outlined in the Records Unit Internal Operating Procedure.

=====

OTHER REFERENCES

Directive 82
Records

Appendix 2-A
Functional and Jurisdictional Responsibilities Agreement

Appendix 2-B
Amendments to the Functional and Jurisdictional Responsibilities
Agreement

Appendix 2-C
Central District Boundaries

Appendix 2-D
Northern District Boundaries

Appendix 2-E
Southern District Boundaries

Appendix 2-F
Western District Boundaries

Data Officer Internal Operating Procedure

Records Unit Internal Operating Procedure

Mutual Aid Agreements with the City of Wilmington, City of Elsmere, City
of Smyrna, City of Newark, City of Dover, Delaware City, Delaware River
and Bay Authority and the State of Delaware

Delaware Criminal Law and Traffic Manual Title 11 Chapter 19