

Waltham Police Department

CHAPTER 2

JURISDICTION AND MUTUAL AID

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Accreditation Standard #'s: 2.1.1, 2.1.2, 2.1.3, 2.1.4

POLICY:

On occasion, the need arises, to request assistance from or give assistance to a neighboring law enforcement agency. Mutual Aid procedures must be planned and established prior to the actual need. To this end the Waltham Police Department has entered into an agreement with the Northeastern Massachusetts Law Enforcement Council, hereafter referred to as N.E.M.L.E.C., which is a tactical police force and/or special operations unit [2.1.2].

Although the Waltham Police Department provides the majority of enforcement activity within its jurisdiction, it is the policy of the department to coordinate and cooperate with other law enforcement agencies sharing concurrent jurisdiction with the department. Such coordination and cooperation will make better use of the resources and expertise available, and will help ensure the delivery of quality service to the community.

All geographical boundaries of these agencies' jurisdictions can be located on a map in the main operations area [2.1.1]

PROCEDURES:

1. **JURISDICTION:** The normal jurisdiction of Waltham Police Officers is restricted to the boundaries of the city, except in cases of fresh and continued pursuit and arrest warrants. Officers must be aware that we share this jurisdiction with other law enforcement agencies. Below is a partial list of agencies that have law enforcement jurisdiction within the city. Officers should be aware that this is only a partial list. If questions of jurisdiction arise, they should be referred to a superior for resolution. [2.1.4]
 - a. Massachusetts State Police
 - b. Transit Police
 - c. Federal Law Enforcement Agencies
 - d. Environmental Police

2. **REQUESTING MUTUAL AID: [2.1.3]** It shall be the responsibility of the Officer-In-Charge make the initial decision regarding requesting mutual aid from N.E.M.L.E.C., the Massachusetts State Police, and/or other local police departments during an emergency.

PROCEDURE:

- a. **N.E.M.L.E.C. CALL OUT:** the OIC shall notify the Chief or their designee for authorization for mutual aid NEMLEC Call Out.
- b. **STATE POLICE:** The OIC or their designee shall contact State Police Headquarters at (508) 820 2121 for a request for mutual aid.
- c. **LOCAL POLICE:** The OIC or their designee shall contact the OIC of the local police department in which the Waltham Police are requesting mutual aid.
- d. **SUPERVISION OF ASSISTING OFFICERS:** Officers from outside the city shall be under the command of the Waltham Police Department when rendering mutual aid within the city of Waltham. **[2.1.3]**

3. **COMMUNICATION PROCEDURES FOR MUTUAL AID: [2.1.2], [2.1.3]**

Officers entering Waltham on Mutual aid are to communicate with Waltham Control Waltham Channel 1 (e.g., Newton 466 to Waltham Control over Waltham Channel 1).

Waltham Dispatchers shall come over the air to the assisting community Dispatch Control Center asking them to advise their responding units to switch to Waltham Channel 1.

4. **PROVIDING MUTUAL AID:** Whenever any local police department requests our aid, the Officer-In-Charge shall determine the appropriateness of such request and shall determine to what extent aid can be rendered.
5. **NEMLEC CALLOUT TO OUTSIDE COMMUNITIES:** Waltham officers assigned to NEMLEC are contacted via NEMLEC protocol. Off duty officers responding to the callout are required to contact and make the OIC aware of the response. A CAD entry will be generated noting the NEMLEC callout and identify the officers responding. On duty officers will respond to the callout at the discretion of the OIC.
6. **FEDERAL LAW ENFORCEMENT ASSISTANCE: [2.1.4-1A]** It shall be the responsibility of the Officer-In-Charge to make the initial decision regarding requesting assistance from federal agencies. After making the initial decision to

request federal assistance, the OIC shall notify the Chief of Police or their designee and contact the desired agency:

- a. Federal Bureau of Investigation (FBI): 857-386-2000
- b. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): 617-557-1201
- c. U.S. Immigration and Customs Enforcement (ICE): 781-359-7500
- d. Drug Enforcement Agency (DEA): 617-557-2100
- e. Federal Aviation Administration (FAA): 781-238-7500
- f. United States Secret Service: 617-565-5640
- g. Homeland Security: 617-565-7400

REQUESTING FEDERAL LAW ENFORCEMENT ASSISTANCE: [2.1.4]

In the event that it becomes necessary to request the assistance of any federal law enforcement resources, the following procedures shall be followed: **[2.1.4 A]**

- a. The officer assigned to the incident shall contact the appropriate supervisor and advise them of the situation and of the assistance or resources required.
- b. The supervisor shall notify the Operations Captain, who shall determine if the requested state/federal assistance is necessary.
- c. In the event that state or federal assistance is made available, the Chief of Police, or their designee, shall appoint a liaison officer to coordinate all joint activities until such time as the emergency situation no longer exists.

The following is a list of circumstances that determine when and how to contact the appropriate federal agencies.

- a. **FEDERAL BUREAU OF INVESTIGATION (FBI):**
 - 1. Crimes occurring at any federally insured financial institutions (Including Savings & Loans).
 - 2. Child Abduction.
 - 3. Kidnapping.

4. Federal crimes of concern.
5. All crimes involving air craft; hijacking, threatening a hijacking, etc.
6. Crimes involving interstate commerce involving vehicles, aircraft and persons.
7. Crimes on federal property.
8. A terrorist threat, or act or information received regarding potential terrorist threats including both domestic and international groups.
9. 24-hour contact: 857-386-2000

b. DRUG ENFORCEMENT AGENCY (DEA):

1. Contact or arrest of an individual that claims affiliation with the D.E.A. as an informant, witness or cooperating individual.
2. Unlawfully representing themselves as a D.E.A. Agent or employee.
3. Discovery of unusually large or substantial quantities of controlled substances.
4. Upon receipt of any information involving large-scale shipments, delivery or manufacturing of illegal control substances.
5. 24-hour contact: 617-557-2100

c. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE):

1. Preventing the release of potentially dangerous aliens into the general public.
2. Arrest of an alien for any felony or aggravated felony.
3. 24-hour contact: 781-359-7500

d. BUREAU OF ALCOHOL, TOBACCO, FIREARMS & EXPLOSIVES (ATF):

1. Weapons Trafficking.
2. Firearms Tracing.

3. Explosives Incidents.
4. Arson.
5. Firearms Theft.
6. Explosive Thefts.
7. Federal Law violations pertaining to weapons, arson and explosive.
8. Criminal Acts or Organizations involved in evading alcohol, tobacco and weapons taxes.
9. Outlaw Motorcycle Gangs and members.
10. 24-hour contact: 617-557-1201

e. UNITED STATES SECRET SERVICE:

1. Crimes involving U.S. currency and coins (counterfeiting).
2. Crimes against financial institutions (credit card counterfeiting).
3. Threats made to or against the President of the United States.
4. Threats to U.S. National Leaders.
5. Threats to visiting heads of state and government.
6. Threats to designated sites and National Special Security Events.
7. 24-hour contact: 617-565-5640

f. FEDERAL AVIATION ADMINISTRATION (FAA):

This agency must be contacted whenever there is an aircraft accident or crash occurring within the geographical boundaries of Waltham. Officers assigned to the crash site shall protect the site from unauthorized personnel. No one, unless authorized, shall enter the scene, touch the involved aircraft, its parts or anything else in the immediate area. The scene and site of any crash or collision should always be considered a crime scene, and therefore should be protected, maintained and treated accordingly until such time that the scene is relinquished to the control of F.A.A. officials upon their arrival. Officers and supervisors shall assist and cooperate with F.A.A. officials and

remain on-scene until properly relieved of their duties or otherwise directed by a ranking officer of the Waltham Police Department.

g. REQUESTING NATIONAL GUARD ASSISTANCE: [2.1.4 B]

1. The Chief of Police, or their designee, shall evaluate the situation and determine what resources may be needed to resolve the crisis.
2. If the decision to request assistance from the National Guard is made, then the Chief of Police, or their designee, shall make the request through the City Council. The City Council would then make the request to the Governor of the State of Massachusetts.
3. In the event that the National Guard is activated to assist the City of Waltham, the Chief of Police has full authority and direction. The Chief of Police may appoint a liaison officer to coordinate all joint operations. The liaison officer should be a ranking officer with authority to make command decisions in the absence of the Chief of Police.

Business hours contact: 508-233-6590

24-hour contact: Massachusetts Emergency Management Association Communications (MEMA): 508-820-2000

Additional procedures and protocols for incident types (Bombing, Aircraft incident or other unusual occurrences can be located in the All-Hazard Manual in WPD Share on the H drive.

7. **NOTIFICATION OF CHIEF OF POLICE: [2.1.4-1A]** If possible, the Officer-In-Charge should advise the Chief of Police or, in their absence, the Deputy Police Chief and/or the Patrol Division Commander of the need for mutual aid or federal assistance, such as the DEA, ATF, FBI, ICE and Secret Service or of the request by another agency for the assistance of the Waltham Police Department before such request is made or granted. If, however, because of the exigencies of a situation this is not practical or feasible, the Chief of Police or, in their absence, the Deputy Chief of Police and/or the Patrol Division Commander shall be notified as soon as possible after such action has been taken.

**8. MASSACHUSETTS INTERAGENCY MUTUAL AID AGREEMENT:
[2.1.3]**

- a. It is the policy of the Waltham Police Department to accept the provisions outlined in the written Massachusetts Interagency Mutual Aid Agreement,

prescribed in M.G.L. c. 40, § 8G, between the Waltham Police Department and the signatory municipalities of the Commonwealth of Massachusetts.

1. When providing such mutual aid, police officers shall have all the immunities and powers granted to them in the municipalities which employ them, including but not limited to, powers of arrest.
 2. Each signatory municipality recognizes and asserts that full police authority is granted to every on-duty police officer of every participating municipality. For the purposes of the agreement, Chiefs of Police shall be the only police officers considered on-duty at all times.
 3. Nothing in the agreement authorizes a participating agency to conduct law enforcement functions or provide police services in another jurisdiction, over the objection of the Chief of Police or their designee of that municipal police department.
 4. While this agreement empowers all on-duty police officers in the jurisdiction of all other signatory agencies, officers will only exercise powers outside of their primary jurisdiction in extenuating circumstances that compel an immediate police response.
- b. **SELF-ACTIVATION:** This agreement allows an on-duty Waltham officer to self-initiate police action in another signatory jurisdiction for any lawful purpose, including working a police detail. This may include, but is not limited to the following:
1. Reckless/Negligent operation.
 2. B&E in progress.
 3. Assault & Battery in Progress.
 4. Domestic Abuse incident.
 5. Any public safety hazard to the public or police officer.
- c. **EXTRA-JURISDICTIONAL PROTOCOL:** Any police officer of a signatory agency who stops an offender or makes an arrest outside their primary jurisdiction, but within the jurisdiction of another signatory department shall, as soon as practicable, notify the department having primary jurisdiction over the area where the stop or arrest was made.

1. Decisions as to whether to cite a motorist or file criminal charges against the person stopped or arrested, shall be that of the department having primary jurisdiction over the place where the violation occurred.
 2. In matters where a violation or offense spans across multiple jurisdictions, or are committed in more than one jurisdiction, any department having jurisdiction over a violation or offense may prosecute that violation.
 3. A police officer who makes an arrest outside their primary jurisdiction shall, if requested, turn the detainee over for processing to an officer of the police department where the offense occurred.
 4. Should the Officer in Charge or their designee deem such a stop or arrest to be unreasonable, unlawful or without probable cause; nothing in the agreement or this policy shall require any further processing involving the stop or arrest.
 5. Any officer who makes an arrest outside their primary jurisdiction for a crime in which their police department does not have primary jurisdiction, shall provide to the department having primary jurisdiction of the place where the crime occurred, full and complete information about their observations and arrest, including but not limited to a written report [2.1.2].
 6. The Waltham Police Department shall ensure that the arresting officer is available for any and all necessary court appearances or other proceedings.
 7. Waltham police officers acting pursuant to this policy, or who are performing law enforcement duties outside their primary jurisdiction, shall adhere to the rules, regulations, policies and procedures of the Waltham Police Department.
 8. Commanding officers of the Waltham Police Department will honor the same guidelines for officers from other signatory departments.
- d. **OUTSIDE AGENCIES:** In instances when an officer from an outside jurisdiction self-initiates police action in Waltham, Dispatch will be notified and officer(s) from Waltham will respond to the incident location. [2.1.2] A supervisor will also be dispatched to respond. After a determination has been made by the OIC that the outside agency officer took the appropriate action, a Waltham officer will be assigned to the investigation. This officer will write a detailed police report [2.1.2] documenting the incident, the identity of the outside officer and the action taken. If an individual is being

charged with a crime, the Waltham officer will take out the appropriate complaint(s) to facilitate the prosecution of the case. If an individual is placed under arrest, the arrestee will be booked and placed in a cell at the Waltham Police Station. The outside agency officer will be listed as the arresting officer. The outside agency officer will be expected to complete a police report for their agency, a copy of which should be provided to the Waltham police department. [2.1.2]

- e. **NOTIFICATION: [2.1.3]** Regardless of the location of the incident, the outside officer must notify both the Waltham Officer-In-Charge and the outside agency Officer-In-Charge with the following:
 - 1. Identity (name, department).
 - 2. Location.
 - 3. Nature of the police action taken.

- f. **FINAL AUTHORITY:** The OIC of the lead agency will have the final authority on actions taken in the incident. [2.1.3]

- g. **COURTESY BOOKING:** The determination to conduct a courtesy booking is at the discretion of the OIC at the agency with primary jurisdiction.

- h. **AGENCIES:** The following is a list of municipal agencies that fall under the Middlesex Interagency Agreement: [2.1.2]

Acton	Amsbury*	Andover*	Arlington	Ashby
Ashland	Ayer	Bedford	Belmont	Berlin*
Beverly*	Billerica	Boxborough	Burlington	Carlisle
Chelmsford	Chelsea*	Concord	Danvers*	Dover*
Dracut	Dunstable	Everett	Framingham	Georgetown*
Groton	Holliston	Hopkinton	Hudson	Lawrence*
Lexington	Lincoln	Littleton	Lowell	Lynnfield*
Malden	Marlborough	Maynard	Medford	Melrose
Natick	Newton	Northborough*	North Reading	Pepperell
Reading	Saugus*	Sherborn	Shirley	Somerville
Stoneham	Stow	Sudbury	Tewksbury	Townsend
Tyngsborough	Wakefield	Waltham	Watertown	Wayland
Wellesley*	Westford	Weston	Westwood*	Wilmington

Winchester	Woburn			
* Denotes municipality outside Middlesex County jurisdiction				

- i. Nothing in MGL. Ch. 40, § 8G or this policy shall be construed to expand or otherwise modify existing police powers as provided by law or any existing mutual aid agreement or both.

9. APPLICABLE LAWS REGARDING MUTUAL AID: [2.1.3]

- a. Mass. Gen. Law, Chap. 40, Sec. 8G - Mutual Aid Programs Agreements.
- b. Mass. Gen. Law, Chap 41, Sec. 99 - Requisition of Police Officers by Other Towns.

10. UNIVERSITIES: The Waltham Police Department has a Memorandum of Understanding (MOU) with both Bentley and Brandeis University addressing jurisdiction [2.1.2] The MOU outlines the cross-jurisdictional of multi-jurisdictional response along with other roles and responsibilities.

11. REVIEW AND REVISION: In the event that any review or revision of the mutual aid agreements mentioned in this policy are necessary, the involved participants will determine the means to achieve those needs. [2.1.3]