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| Chapter 101 – Organization and Management | | | |
| Reviewing Office Legal Advisor | | | <input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised <small>Revisions in <i>italics</i></small> |
| References | | | |

JURISDICTION AND AUTHORITY

101.7 - 1 PURPOSE

The purpose of this directive is to provide members with jurisdictional guidelines. However, nothing in this directive prevents the Chief of Police or the Mayor from providing mutual aid to other jurisdictions if requested in appropriate circumstances.

101.7 - 2 Oath of Office

1. Upon graduation from the Detroit Police Academy, and in order to assume sworn status, each new graduate shall be administered the oath of office by the Chief of Police or their designee.
2. Each new officer swears or affirms to support the Constitutions of the United States and the State of Michigan, Law Enforcement Code of Ethics, comply with laws of the City of Detroit, and faithfully discharge the duties of police officer.

101.7 - 3 Geographic Jurisdiction

Officers generally have jurisdiction only in the state or political subdivision of the state from where they derive their authority. Detroit officers have authority only in the City of Detroit. The following are statutory exceptions to this law:

101.7 - 3.1 With a Warrant

If any person against whom a warrant shall be issued for an alleged offense committed within any county, shall either before or after the issuing of such warrant, escape from or be out of the county, the sheriff or other officer to whom such warrant may be directed, may pursue and apprehend the party charged, in any county of this state, and for that purpose may command aid and may exercise the same authority as in his own county. (*MCL 764.2*)

101.7 - 3.2 In Conjunction With

1. A peace officer of any county, city, village, township, *public airport authority, or university* of this state may exercise authority and powers of a peace officer outside the geographical boundaries of the officer's county, city, village, township, *public airport authority, or university* under any of the following circumstances:

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- a. *If the officer is enforcing the laws of this state* in conjunction with the Michigan State Police.
 - b. *If the officer is enforcing the laws of this state* in conjunction with a peace officer of any other county, city, village, township, public airport authority or university in which the officer may be.
 - c. If the officer has witnessed an individual violate any of the following within the geographical boundaries of the officer's county, city, village, township, public airport authority, or university and immediately pursues the individual outside of the geographical boundaries of the officer's county, city, village, township, public airport authority, or university:
 - (i) A state law or administrative rule.
 - (ii) A local ordinance.
 - (iii) A state law, administrative rule, or local ordinance, the violation of which is a civil infraction, municipal civil infraction, or state civil infraction.
 - d. If a public airport authority officer has witnessed an individual violate any of the following while the individual is outside the geographical boundaries of the public airport authority but the violation committed by the individual occurs within the airspace above the public airport authority and immediately pursues the individual:
 - (i) A state law or administrative rule.
 - (ii) A local ordinance.
 - (iii) A state law, administrative rule, or local ordinance, the violation of which is a civil infraction, municipal civil infraction, or state civil infraction.
2. The officer pursuing an individual under subsection (1)(c) or (d) may stop and detain the person outside the geographical boundaries of the officer's county, city, village, township, public airport authority, or university for the purpose of enforcing that law, administrative rule, or ordinance or enforcing any other law, administrative rule, or ordinance before, during, or immediately after the detaining of the individual. If the violation or pursuit involves a vessel moving on the waters of this state, the officer pursuing the individual may direct the operator of the vessel to bring the vessel to a stop or maneuver it in a manner that permits the officer to come beside the vessel.
- (MCL764.2a)

101.7 - 3.3 Authority to Pursue Within the State

When any person has committed or is suspected of having committed any crime or misdemeanor within a city or village, or has escaped from any city or village prison, the police officers of the city or village shall have the same right to pursue, arrest and detain such person *without* the city or village limits as the sheriff of the county. (MCL 117.34 and MCL 78.22).

101.7 - 3.4 Authority to Pursue by Out of State Authorities

Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within the state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and

hold such person in custody, as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state. (MCL 780.101)

101.7 - 3.5 Hot Pursuit Authority

Michigan law grants authority to peace officers from other states to pursue, apprehend and arrest fleeing felons within the boundaries of the State of Michigan. Other states have similar laws which permit Michigan officers to pursue fleeing felons into their state; but, under no circumstances may a Detroit officer or any other American law enforcement officer pursue a suspect across the international border.

101.7 - 3.6 Police Action near City Limits

Precincts and commands have access to city maps that can be provided to patrolling areas abutting city limits. If an incident requires police service at or near the city limits and if after reference to city limits maps, *members* are unable to make a proper determination as to the jurisdiction involved, the zone dispatcher shall guide them. The commanding officer of each precinct that abuts city limits shall ensure a current map illustrating the city limits is prominently posted behind the precinct desk. If necessary, the city engineer's office shall be consulted prior to seeking prosecution resulting from an incident occurring at such a location.

101.7 - 3.7 Retaking Prisoners

If a person *who has been* lawfully arrested escapes or is rescued, the person from whose custody *he or she* escaped or was rescued may *immediately* pursue and retake *him or her* at any time and in any place within the state without a warrant. (MCL 764.23)

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101.7 - 4 Where Authority Ceases

The authority of a member of this Department ceases at the international border, which, in the case of Canada and the United States, is the midpoint of the bridge or tunnel.

101.7 - 4.1 Deviation from Policies

The Detroit Police Department recognizes that no policy or procedure can possibly cover every situation or scenario that may occur. Members may deviate from established policies and procedures when it is in the obvious best interest of the Department. However, members shall bear in mind the following:

- a. The necessity to deviate from established policy should rarely occur;
- b. Members must be able to justify any deviation from policy;
- c. Members, when time permits, should seek prior supervisory approval if they feel there is a justified need to deviate from a particular policy in the best interest of the Department; and
- d. Members must immediately report deviations from policy to their supervisor as soon as possible.