

ORDINANCE NO. 2-2009

Introduced by: Cpmmissioner Chase

AN ORDINANCE OF THE TOWN OF TRAPPE AUTHORIZING THE EXECUTION OF A LAW ENFORCEMENT MUTUAL AID AGREEMENT IN ACCORDANCE WITH MD. CODE ANN. CRIMINAL PROCEDURE ARTICLE SECTION 2-105

WHEREAS, in accordance with Md. Code Ann. Article 23A, § 2(b)(22), the Town of Trappe has established a police department; and

WHEREAS, Md. Code Ann. Criminal Procedure Article § 2-105 authorizes the Council of Trappe to enter into a law enforcement mutual aid agreement with other municipal corporations, to permit their respective police officers, together with any necessary equipment, to enter into the jurisdiction of another municipal corporation for the purpose of providing law enforcement assistance; and

WHEREAS, the Trappe Chief of Police has recommended that the Mutual Aid Agreement, which is attached hereto and incorporated by reference herein, be approved by the Council of Trappe; and

WHEREAS, the Council of Trappe has determined that participation in the Mutual Aid Agreement is desirable and in the best interest of the Town and will inure to the benefit of the Town and its citizens.

NOW, THEREFORE, the Council of Trappe hereby ordains as follows:

1. The Chief of the Trappe Police Department and the President of the Council are hereby authorized to execute and deliver a Mutual Aid Agreement, in the same or substantially similar form, as the Mutual Aid Agreement attached hereto as Exhibit "A."

2. This Ordinance shall become effective on the _____ day of _____, 2009.

Robert Crosswell

Walter Chase

Norm Fegel

Rosalee Potter

Richard Dorbin

I hereby certify that the foregoing Ordinance Number _____ of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: _____
Joedy Cecil, Clerk/Treasurer
Town of Trappe

UNCERTIFIED
COPY

MUTUAL AID AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2009, by and between the Town of Trappe, by and through the Council of Trappe, the Town of Easton, by and through the Easton Town Council, the City of Cambridge, by and through the Mayor and Commissioners of Cambridge, the Town of Centreville, by and through the Centreville Town Council, the Town of St. Michaels, by and through the St. Michaels Commissioners, and the Town of Oxford, by and through the Commissioners of Oxford, (hereinafter collectively referred to as the “Municipalities”).

WHEREAS, the Municipalities each have individually established municipal police departments within their respective individual jurisdictions; and

WHEREAS, the Municipalities agree that there are times when it is necessary for the police of one party to enter into and provide law enforcement assistance and /or equipment in the jurisdiction of the other party; and

WHEREAS, the Municipalities desire to enter into a mutual aid agreement, in accordance with Md. Code Ann. Criminal Procedure Article § 2-105 et seq., to enable the police of one party to enter into the jurisdiction of the other party from time to time at the request or with the permission of the other party to provide law enforcement assistance, or equipment, or both, and to delineate the liability of the parties for the authorized activities of the police while acting outside of their respective jurisdictions; and

WHEREAS, the chief law enforcement officers of the Towns of Easton, Trappe, Oxford, St. Michaels, Centreville and Cambridge all agree and consent to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, the elected officials, and police officials of the Municipalities agree as follows:

I. PURPOSE. The purpose of this Agreement is to establish a basis for providing mutual law enforcement aid and assistance in emergency situations.

II. EMERGENCIES.

A. Whenever, in the judgment of the chief law enforcement officer or ranking officer on duty of a party to this Agreement, an emergency situation exists and the jurisdiction in which the emergency occurs does not have sufficient personnel or equipment immediately

available to properly handle the emergency, the highest ranking on-duty official of the jurisdiction in which the emergency occurs may request assistance in the form of personnel or equipment from another jurisdiction party to this Agreement. The term “emergency” as used in this Agreement may consist of an unruly person or group which demonstrates the potential for violence, a hostage situation, a fire, a natural disaster, an accident or similar circumstances, or any act which violates the laws of the State of Maryland or any political subdivision and which requires prompt law enforcement action of more than one officer/deputy, or the use of special equipment.

B. The request shall be directed to the chief law enforcement official of the other jurisdiction, or in the event of his or her absence or unavailability, the highest ranking on-duty official of the other jurisdiction. If, in the judgment of the authorized official to whom the request has been made, an emergency does exist and the personnel or equipment requested are available, such resources may be provided as requested.

C. The authority of the police responding party to remain and act in the jurisdiction of the requesting party shall continue only until the “emergency” has ended, allowing sufficient time for such police to complete all necessary follow-up activity and/or investigation.

III. JOINT OPERATIONS.

A. The Chief law enforcement officer of a party to this Agreement may request additional police assistance from the other party to conduct undercover surveillance, S.W.A.T. operations, manpower shortages i.e. parades, carnivals, etc., compliance checks, DUI check points and other similar operations in conjunction with the police of the requesting party in the jurisdiction of either party, whenever the chief law enforcement officer, or a designated officer of the requesting party determines that such additional assistance is required. Pursuant to such a request, the police of the responding party may enter and remain in the jurisdiction of the requesting party for purposes of providing the requested assistance.

B. The authority of the police of a responding party to remain and act in the jurisdiction of the requesting party will continue until the “joint operation” has ended, allowing sufficient time for the completion of all necessary follow-up activity and investigation. In the event that an arrest is made by an officer from another jurisdiction all reports and charging papers will be filed through the jurisdiction that requested the assistance.

