

MITCHELL POLICE DIVISION

CHAPTER 2

AGENCY JURISDICTION, MUTUAL AID AND REGIONAL SERVICES

PURPOSE: Public safety agencies may, at any time, be faced with situations which require the use of personnel and equipment beyond their existing capabilities. Most such circumstances require immediate and extraordinary action to preserve life and property. South Dakota law specifically allows neighboring local governments to enter into agreements with each other to provide supplemental resources. There is a need for a common method of operation in such situations so that these resources may be obtained in the shortest possible time.

2.1 AGENCY GEOGRAPHIC BOUNDARIES

The jurisdiction of the Mitchell Police Division is within the geographical boundaries of the Territorial jurisdiction of municipalities.

2.2 CONCURRENT JURISDICTION

- A. In routine circumstances not amounting to mutual aid request, the Mitchell Police Division recognized that other criminal justice agencies may have concurrent jurisdiction by law to conduct operations within the City of Mitchell. In addition, other agencies may, on occasion, enter the city to carry out specific operations in the performance of their duties. The policy of this Division is to provide assistance and cooperation to other agencies operating lawfully within the City of Mitchell.
- B. The Mitchell Police Division shall perform all duties and responsibilities within the City of Mitchell in accordance with Federal and State laws and city ordinances.
- C. General Procedures:
 - 1. Nothing prohibits the County Sheriff's Office, the South Dakota Highway Patrol, DCI, or Federal Agencies from taking action in situations that occur in their presence within the city limits, as each has concurrent jurisdiction with municipal police agencies within the city limits of a municipality.

2. In any situation where a question arises concerning jurisdiction with another agency, the responding Mitchell Police Officer shall make every attempt to resolve the matter in the most professional manner possible. If this is not possible, the matter will be turned over to a supervisor or shift commander for resolution.
3. The Mitchell Police Division has exclusive jurisdiction and responsibility in matters concerning Mitchell ordinances within the city limits.

2.3 INTERAGENCY AGREEMENTS

- A. The Mitchell Police Division, as stated in 2.2, has jurisdiction within the city limits of the City of Mitchell. In order to clarify which agency responds to calls for service the following procedure will be followed:
 1. The Davison County Sheriff is responsible for Civil Service both inside and outside the city limits. The County Sheriff is responsible for the administration and function of the Davison County Jail.
 2. The Davison County States Attorney is responsible for the prosecution and all legal duties of Davison County and the State of South Dakota.
 3. The City Attorneys office of the City of Mitchell is responsible for prosecution of violations of city ordinances and all legal duties associated with the operation of the city.
 4. The South Dakota Highway Patrol is responsible for enforcing the laws of the State of South Dakota and other related duties.
 5. Federal agencies are responsible for enforcing federal laws and regulations.
- B. The Mitchell Police Division will supply communications, logistics and manpower support to any law enforcement function, to include prosecution, between jurisdictions.

2.4 MUTUAL AID AGREEMENT PROVISIONS

- A. Legal Status-Law enforcement officers assigned to provide mutual aid assistance in another jurisdiction shall have in accordance with SDCL 33-15-36 all the powers and authority of law enforcement officers as provided by law, including the power of arrest.

SDCL 33-15-36. Powers of emergency management workers outside local jurisdiction. Any emergency management worker performing emergency management at any place in this state pursuant to agreements, compacts, or arrangements for mutual aid and assistance, to which the state or political subdivision thereof is a party, shall possess the same powers, duties, immunities, and privileges he would ordinarily possess if performing his duties in the state, province, or political subdivision thereof in which normally employed or rendering services.

- B. All sworn officers responding to the mutual aid request will have all the legal authority to act within the received agency's jurisdiction.
- C. The following people are authorized to request mutual aid assistance:
 - 1. Mayor of Mitchell or senior city official
 - 2. Chief of Public Safety or his designee
- D. The senior official present of the stricken community shall assume full responsibility and command for operations at the scene.

2.5 MUTUAL AID AGREEMENTS

The policy of the Mitchell Police Division is to enter into a mutual aid compact with surrounding jurisdictions to supply police resources in case of a police emergency or disaster. Any such mutual aid compact will be a document designed in a contract form. Copies of these signed agreements will be filed with the Chief.

- 1. The following County governmental bodies have in force contractual intergovernmental service agreements with the Mitchell Police Division:
 - a. Davison
 - b. Hanson
 - c. Hutchinson
 - d. Sanborn
 - e. Aurora

2.6 EXTENT OF MUTUAL AID

Adequate law enforcement services must be maintained within the service area of the provider agency when its personnel and/or resources are sent elsewhere to provide aid.

1. Providing Mutual Aid:
 - a. The Chief or his designee will be notified immediately upon receipt of a mutual aid request.
 - b. The highest ranking on duty Mitchell officer shall immediately verify the mutual aid request with the highest ranking on duty officer of the requesting agency.
 - c. Mutual aid requests shall be approved by the Chief or his designee.
 - d. The Mitchell Police Division supervisors shall coordinate the Division's activities with the on-scene Incident Commander of the requesting agency. They will then assign Mitchell Police Officers as needed. Mitchell Officers may be assigned to work at the direction of another agency but Mitchell Police supervisors always maintain final authority over Mitchell Police officers.
 - e. The on-duty Shift Supervisor may authorize a response in situations requiring an immediate short-term response.
 - f. While assisting other agencies under a Mutual Aid Agreement Mitchell Police Personnel shall continue to adhere to Mitchell Police Division Policy and Procedures.

2.7 ACCESS TO STATE WIDE RADIO SYSTEM

- A. The policy of the Mitchell Police Division, is through the Police Communications Center (Dispatch), to have access to any statewide radio system.

2.8 REQUEST FOR FEDERAL ASSISTANCE

- A. Mutual aid shall be requested when a problem, or the threat of a problem, exceeds the resources of the Mitchell Police Division. The policy of state assistance is to local government in major disorders and unusual occurrences to support local law enforcement with state resources after local and adjacent government aid has been reasonably committed, or whenever

the magnitude of the emergency is such that the best interest of the state will be served by the involvement of state resources before the commitment of all local agencies. The following procedures will be followed, prior to requesting emergency assistance from any federal law enforcement agency.

- B. Based upon a recognized need for mutual aid assistance, the Chief or his designee will be notified immediately.
- C. The Chief or his designee shall decide the level of appropriate response and will contact the Mayor if appropriate.
- D. The Chief or his designee will authorize a request for mutual aid. In the event that the need for assistance is immediate, the initial contact/request will be made by telephone and followed by a teletype if requested.
- E. In the event that the Chief cannot be contacted, authorization must be obtained from the Chief's designee.
- F. The request for mutual aid will include the following:
 - 1. Reason for mobilization
 - 2. Date, reporting time and weather conditions (if appropriate)
 - 3. Manpower requested and an estimate of how long it will be needed.
 - 4. Assembly point and name of the Mitchell supervisor/Incident Commander to contact.
 - 5. Uniform and equipment needed
- G. An emergency operations center and/or command post shall be established.
- H. The incident command system will be utilized for coordination of efforts.
- I. At the conclusion of the mutual aid assistance, the commander of the Mitchell operation will hold debriefing of all participants. A comprehensive report may also be completed. The report may include:
 - 1. An explanation of events that led to the emergency operation.
 - 2. A list of all agencies and personnel involved.
 - 3. Identification of injuries to personnel involved in the operation.
 - 4. A list of offenders arrested by name, date arrested, charge and

arresting officer and agency.

2.9 REQUEST FOR NATIONAL GUARD ASSISTANCE

An emergency may arise necessitating the call out of the South Dakota National Guard. If so, the Chief or his designee must request the call-out from the Mayor, or the highest elected official if the Mayor cannot be located. The Mayor must then request the call out from the Governors office.