

Jurisdiction of Officers and Agencies

Table of Contents

- Chap 1 [Performance Objectives – Juris Class](#)
- Chap 2 [Student Outline – Juris Class](#)
- Chap 3 [Enumerated Powers of Federal Government](#)
- Chap 4 [Jurisdiction of Federal Agencies](#)

Course Level: **X** Basic In-Service Supervision Management Specialized
Lesson No. 2.04 Title: Jurisdiction of Law Enforcement Agencies Hrs. Required: 1 of 1

Scope of Lesson Coverage:

The student will recognize the jurisdictional limits of his/her agency for enforcing law and investigating incidents as well as the limits of the other federal and state agencies identified in class. The student will recognize the split in law enforcement responsibility between the states and federal government enumerated through the U.S. Constitution as well as the concepts of concurrent and exclusive jurisdictions.

Specific Objectives:

Given one hour of class lecture and discussion, a student outline and student handouts, the student will be able to:

1. Give an example of at least one law enforcement agency that has a geographical limitation and at least one agency that has a subject matter limitation.
2. Describe the concept of “enumerated” federal powers and give two (2) examples.
3. Describe how the concept of the federal “supremacy” and “necessary and proper” clauses operate by giving an example of each.
4. Identify the responsibilities and authorities assigned through law to each of the major federal and state agencies identified in the handouts
5. Describe the concepts of concurrent and exclusive jurisdiction.
6. Describe the limitations of authority for law enforcement officers concerning enforcement of civil offenses.
7. List three areas in which law enforcement officers are authorized to enforce civil law.
8. Describe the limitations on officers pursuing a fleeing vehicle into another state.
9. Identify the formal and informal mutual aid authorities in Indiana law.
10. Describe what the 10th Amendment to the U.S. Constitution does.
11. Describe how the 14th Amendment works.
12. Describe how the 4th, 5th, and 6th amendments limit an officer’s authority.
13. Describe how all of the above jurisdictional limitations have perpetuated the law enforcement professionalization process.

Training Aids: Computer and Projector for PowerPoint presentation, PowerPoint presentation on Jurisdiction of Law Enforcement Agencies, Chalkboard and easel.

Material for issue: A student outline, handouts and homework

References: U.S. Constitution, U.S. Code, Indiana Code

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STUDENT OUTLINE

- I. Introduction
 - A. This class focuses on the “subject matter” and “geographic” jurisdictional limitations imposed on officers
 - B. Knowing these limitations is crucial for avoiding civil liability
- II. Federal-State Subject Matter Split in jurisdictional law enforcement responsibility
 - A. Sovereignty defined
 - B. Enumerated federal powers
 - C. Necessary and proper clause
 - D. Supremacy Clause
 - E. 10th Amendment
- III. Review of Specific Enumerated Powers
(See Federal Agency Jurisdiction Handout)
- IV. Other Jurisdictional Limitations
 - A. Civil vs. Criminal
 - B. Concurrent vs. Exclusive
 - C. Agency specific limitations (subject matter & geographic)
- V. Jurisdiction Beyond Indiana Borders
 - A. Hot Pursuits
 - B. Extraditions
 - C. While Off-Duty (that jurisdiction’s citizen’s arrest powers)
- VI. Mutual Aid Laws
 - A. Informal, IC 36-1-7-7(b)
 - B. Formal, IC 36-1-7-7(a)
 - C. Being Deputized
- VII. Expanding Jurisdiction through specifically assigned civil enforcement powers
 - A. Civil powers must be specifically granted to an officer or agency before officers may enforce those provisions

- B. Within the U.S. system, the general rule is that law enforcement officers do not have civil enforcement power
- C. Some exceptions:
 - 1. Juvenile Apprehensions
 - 2. Infraction Law Violations
 - 3. Ordinance Violations

VIII.. The Professionalization Process

- A. The process of restricting officer authority began with the ratification of the Constitution. It continued with the adoption of the Bill of Rights and the 14th Amendment.
- B. The process accelerated during and after the 1960s.
- C. These restrictions tended also to accelerate the police professionalization process.
- D. Future challenges will likely perpetuate these advancements even more.

Summary

- A. Jurisdictional limits can generally be categorized as Subject Matter or Geographic limits.
- B. The federal law enforcement function is a limited one.
- C. However, when a federal law conflicts with a state law, the federal law takes precedent.
- D. There is very little cross-over between state and federal arrest authority, responsibility, or operational obligations because each is a separate sovereign entity.
 - 1. Although an act is often a violation of both federal and state law, each jurisdiction is only empowered to handles its own law violation.
 - 2. A few exceptions to this general cross-over rule are:
 - a. Federal constitutional provisions are obligations at both levels such as the 4th, 5th and 6th Amendments.
 - b. When state conservation officers enforce federal game laws (because federal statute or deputation specifically delegates that power down to them).
 - c. Immigration law violations if the local officer

- has taken and passed the federal course (which is specifically authorized by federal laws).
 - d. When a state or local officer is deputized by a federal officer (often for joint drug task forces).
 - e. A federal officer qualifies to enforce state law under IC 35-33-1-1(b).
 - f. If a federal officer is deputized by a state officer.
- 3. When an officer is allowed to enforce another jurisdiction's law, the case is filed in the other jurisdiction's court system (not in the officer's home court system).
- 4. The general rule is that State (and local) officers only enforce state law, federal officers only enforce federal law, and there is very little crossover.
- E. U.S. Officers (both state and federal) are generally limited to criminal law enforcement.
- F. Indiana officers have no authority outside Indiana unless another state or federal law specifically gives that authority to the Indiana officer. "Hot Pursuit" across state lines is authorized by Illinois, Kentucky, Ohio and Michigan but the officer must process the arrestee within those respective states upon apprehending the violator.
- G. Mutual Aid arrangements are possible using several different approaches.
- H. The purpose for examining jurisdictional limits in such detail is to keep officers from overstepping their authority and incurring civil liability.
- I. The sophistication required to handle restrictions require officers to become more aware of the Big Picture.

**A Few of the Enumerated
Federal Powers
U.S. Constitution**

Section 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises.....

To borrow money on the credit of the United State;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;--And

Necessary and Proper Clause

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Supremacy Clause

This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and **the judges in every state** shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

10th Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

14th Amendment

Sec. 1. All persons **born** or naturalized **in the United States**, and subject to the jurisdiction thereof, **are citizens** of the United States and of the state wherein they reside. **No state** shall make or enforce any law which shall abridge the **privileges or immunities** of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without the due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

Sec. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

FEDERAL AGENCY JURISDICTION

- A. Federal Bureau of Investigation (FBI)** (18 U.S.C. 3052)
 - a. General Arrest Power (*for federal laws)
 - b. Specific statutes for investigative responsibilities.

- B. U.S. Marshals** (18 U.S.C. 3053)
 - a. General Arrest Powers*
 - b. Few investigative duties (a police function)
 - c. Responsible for court security, court process, fugitive apprehension and prisoner security

- C. Drug Enforcement Administration** (21 U.S.C. 878)
 - a. General Arrest Powers*
 - b. Investigative responsibilities for Controlled Substance laws, regs and licensing

- D. Secret Service** (18 U.S.C. 3056 (c))
 - a. General Arrest Power*
 - b. Investigative responsibilities for counterfeiting and credit card frauds and dignitary protection

- E. Alcohol, Tobacco and Firearms (ATF)** (26 U.S.C. 7608)
 - a. Arrest for certain federal tax laws and explosives and firearms violations
 - b. Investigative responsibilities for certain tax (machinegun stamp) laws, alcohol, tobacco and firearms as well as explosives

- F. Postal Inspectors** (18 U.S.C. 3061)
 - a. General arrest powers on postal property and postal violations off property
 - b. Investigative responsibility for mails and postal property including most criminal violations when sent through the mails

- G. Border Patrol** (8 U.S.C. 1357)
 - a. Arrest for certain immigration laws
 - b. Investigative authority limited (a police function)

- H. United States Correctional Officer** (18 U.S.C. 3050)
 - a. Arrest for specific statutes (escape and trafficking)
 - b. No investigative responsibilities

- I. **Coast Guard** (14 U.S.C. 89)
 - a. General arrest powers on high seas and U.S. waters*
 - b. Similar investigative powers

- J. **U.S. Park Ranger** (16 U.S.C. 1A-6)
 - a. General arrest power within parks*
 - b. Investigative, SAA. Felony violations often passed to local authorities or FBI

- K. **Military Police** (10 U.S.C. 807)
 - a. Arrest (apprehension) of persons subject to UCMJ (sometimes SOFA, military government, or martial law)
 - b. Some additional powers on military reservation as property owner
 - c. General investigative powers on reservation
 - d. Off military reservation, split administratively between sections (MPI, CID, FBI, etc.) for those subject to UCMJ

STATE AND LOCAL AGENCY JURISDICTION

Most state and local agencies (in Indiana) have general **subject matter** jurisdiction (all criminal laws) and general **geographic** jurisdiction. This is not the case with most federal law enforcement agencies. Federal agencies are typically subject matter limited, e.g., postal inspectors, ATF, and some are geographically limited, e.g., U.S. Park Rangers. Substantial restraint should be taken with enforcement outside the officer's service area for many reasons including liability concerns.

Subject Matter Limitations –

Coroner, IC 35-33-1-3
 Special Police, IC 36-8-3-7
 Special Deputies, IC 38-8-10-10.6
 Fire Marshal, IC 22-14-2-4
 DOC Police, IC 11-8-9-4

Geographic Limitations –

School Police, IC 20-26-16-6(c)
 Private Colleges, IC 21-17-5-5
 Public Colleges, IC 21-39-4-6
 Hospital Police, IC 16-18-4-7

Local officers must also be aware of the concept of exclusive and concurrent jurisdiction. Some areas of responsibility are given exclusively to the federal government through their enumerated powers, i.e., immigration laws. There are other areas, however, in which the same *act* is both a federal law violation and a state law violation. For instance, vandalism of a post office building could be both Criminal Mischief under state law and Destruction of Government Property under federal law. There are very few federal statutory laws that local officers can enforce directly (remember the discussion on the concept of sovereignty).

And finally, most state and local agencies have very limited civil enforcement powers. Those areas in which they are granted such powers are typically authorized specifically in statute. Examples are: juvenile procedures (apprehensions) and infraction (traffic) violations. Most other civil law, such as enforcement of a contract violation, is beyond the authority of local police officers.

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