

*"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."*

## ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

### 1116.5, MUTUAL AID AGREEMENTS

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#### 1. PURPOSE

This directive establishes guidelines for taking law enforcement action pursuant to mutual aid agreements.

#### 2. POLICY

Members may take law enforcement action outside their jurisdiction only under one of the following circumstances:

- a. By invoking the provisions of a mutual aid agreement specific to the jurisdiction in which action will be taken. Mutual aid agreements allow for assistance to other agencies during a law enforcement emergency and also allow for voluntary cooperation and assistance of routine law enforcement duties across jurisdictional lines in limited circumstances.

- b. Pursuant to fresh pursuit. Fresh pursuit involves an ongoing investigation to locate a suspect immediately after an incident that originated inside the Orlando City limits. Normally, this should occur within six hours of the incident.

### 3. DEFINITIONS

N/A

### 4. PROCEDURES

#### 4.1 TYPES OF MUTUAL AID

##### 4.1.1 OPERATIONAL ASSISTANCE

Operational assistance permits agencies to help with law enforcement emergencies (e.g., hurricanes, mass riots, sporting events, conferences)

##### 4.1.2 VOLUNTARY COOPERATION

Voluntary cooperation allows agencies to help each other with routine law enforcement matters (e.g., task forces, joint investigations, or operations)

#### 4.2 MUTUAL AID WITH THE ORANGE COUNTY SHERIFF'S OFFICE

##### 4.2.1 JURISDICTION

The Mutual Aid Agreement between the Orlando Police Department and the Orange County Sheriff's Office (OCSO) applies only to the unincorporated county. This only includes areas within Orange County that are not municipalities. In other words, the OCSO Mutual Aid Agreement does not grant jurisdictional authority to OPD officers within the city limits of Winter Park, Apopka, etc. Refer to [Section 4.3, Mutual Aid Agreements with Other Local Governmental Jurisdictions](#), for information relating to mutual aid within other local governmental jurisdictions.

##### 4.2.2 OPERATIONAL ASSISTANCE

Members may render operational assistance at the request of the Orange County Sheriff's Office for law enforcement emergencies pursuant to the Mutual Aid Agreement.

OPD members may request operational assistance from OCSO for law enforcement emergencies.

Law enforcement emergencies include but are not limited to, civil disturbances, aircraft disasters, fires, natural or man-made disasters, escapes from detention facilities, parades, hostage or barricaded suspect situations, incidents requiring utilization of specialized units, protest demonstrations, sporting events, concerts, and conferences

##### 4.2.3 VOLUNTARY COOPERATION

OPD may request and render voluntary cooperation and assistance across jurisdictional lines for matters of a routine law enforcement nature in order to investigate violations of law such as: homicides; sex offenses; robberies; assaults; burglaries; larcenies; gambling; motor vehicle thefts; drug offenses; and also in order to engage in joint task force investigations or operations.

##### 4.2.3.1 AUTHORIZED ACTIVITIES

The Mutual Aid Agreement with OCSO allows OPD officers to engage in the following law enforcement

activities in unincorporated Orange County without the need for prior approval:

- a. If a forcible felony occurs in the officer's presence.
- b. When taking action on a forcible felony and another misdemeanor occurs in the officer's presence.
- c. If an officer witnesses a crime of violence against a person.
- d. If an officer witnesses a driver driving under the influence.
- e. In order to provide back-up for OCSO deputies.
- f. Conducting or assisting in an investigation related to Driving Under the Influence (DUI) or ancillary crimes at the OCSO DUI Facility.
- g. Transporting subjects directly to the OCSO DUI Testing Facility or the Orange County Jail.
- h. Booking subjects into the Orange County Jail, or any other matter that occurs at the jail ancillary to the transportation, search, and booking of a subject who was arrested in OPD jurisdiction.
- i. Interviewing witnesses, victims, or subjects to continue an investigation of a crime which began in OPD jurisdiction.
- j. Collecting physical evidence to continue an investigation of a crime which began in OPD jurisdiction, except pursuant to a search or seizure warrant.

Any other law enforcement action within unincorporated Orange County **requires** that an OPD officer first notify OCSO and obtain permission prior to acting.

#### **4.2.3.2 UNAUTHORIZED ACTIVITIES**

The Mutual Aid Agreement does not authorize the following activities:

- a. Routine patrol.
- b. Issuance of non-criminal traffic infractions.
- c. Participation in off-duty details unless approved by a deputy chief.
- d. Acceptance of reduced rent or free apartments offered to law enforcement officers in exchange for "law enforcement duties" (see the current issue of 1117, Extra-Duty and Outside Employment). (This limitation does not extend to positions in which the job description does not call for a sworn officer or for law enforcement action but only for "eyes and ears," securing the property, posting eviction notices, etc. Mutual aid is not required for those positions in which the officer is acting with the same authority as a civilian citizen)
- e. Recovery of stolen vehicles located in the unincorporated areas of Orange County.

#### **4.2.4 NOTIFICATION OF PARTIES**

An OPD officer who takes enforcement action in unincorporated Orange County, whether on or off duty, shall immediately notify his/her supervisor and ask OPD Communications to notify Orange County Communications. OPD personnel shall ensure that all paperwork is completed, including a Request to Take Law Enforcement Action in Orange County (Attachment A), and shall be responsible for ensuring the transport of any arrestees to the Orange County Booking and Release Center.

A completed copy of the Request to Take Law Enforcement Action in Orange County (Attachment A) form shall be sent to the Police Legal Advisor by the officer completing the form.

Additionally, an OPD Incident Offense Report will be completed.

### **4.3 MUTUAL AID AGREEMENTS WITH OTHER LOCAL GOVERNMENTAL JURISDICTIONS**

See OPD Online under the Admin tab as "Municipal Aid MOU" for the current agencies who are part of the Inter-Local Voluntary Cooperation Mutual Aid Agreement agencies.

Request for assistance from OPD shall be made to the Chief of Police or designee. Requests for assistance from another law enforcement agency shall be made to that agency's chief law enforcement officer or designee.

### **4.3.1 AUTHORIZED ACTIVITIES**

- a. Where investigative priorities require crossing jurisdictional lines, the OPD watch commander shall notify the ranking supervisor of the jurisdiction to be entered and determine whether there is a need for their assistance.
- b. If an officer is in another jurisdiction and witnesses a felony or a breach of the peace, the officer is empowered to act and render assistance.
- c. When an officer from one of the above police agencies is in Orlando and an OPD officer requests assistance to make a felony arrest, that officer may render assistance pursuant to mutual aid. When an officer from one of the above police agencies is in Orlando to make a felony arrest and requests assistance from OPD, the OPD officer may render assistance pursuant to mutual aid within the guidelines of OPD policies.
- d. While rendering aid, if additional violations of Florida statutes occur in the officer's presence, the officer is empowered to act and render assistance.

### **4.3.2 NOTIFICATION**

Prior to taking enforcement action in the other agency's jurisdiction, the officer shall notify that jurisdiction's communications center, except where immediate action is necessary, in which case the notification shall be done immediately thereafter. OPD personnel shall ensure that all paperwork is completed, including a Request to Take Law Enforcement Action in the other jurisdiction (Attachment B), and shall be responsible for ensuring the transport of any arrestees to the Orange County Booking and Release Center, as required.

A completed copy of the Request to Take Law Enforcement Action (Attachment B) form shall be sent to the Police Legal Advisor by the officer completing the form.

## **4.4. OFFICER'S POWERS AND RESPONSIBILITIES**

Officers who render aid pursuant to the Mutual Aid Agreement shall have the same powers, duties, rights, privileges, and immunities as if performing those duties inside their employing agency's jurisdiction. Participating agencies are liable for the conduct of their employees (subject to statutory limits).

Participating agencies are responsible for their own costs and for compensating their employees, including any amounts due for personal injury. The agency that furnishes equipment must bear the cost of loss or damage to the property.

If an officer renders assistance pursuant to the OCSO Mutual Aid Agreement, he/she must abide by the rules and regulations of his/her employing agency, even in the face of a contradictory order from an OCSO official.

Officers rendering aid under the municipal Mutual Aid Agreement shall be under the command of an OPD supervisor. The OPD supervisor will be subject to the authority of the requesting agency's chief law enforcement officer or designee. Prisoner transport and processing assistance will be provided at the direction of an OPD watch commander in situations involving mass arrests.

OPD officers will complete a detailed report and forward a copy to the other agency.

## **4.5 LOCATION AND LIST OF AGREEMENTS**

See OPD Online under the Admin tab for most current Mutual Aid Agreements.

The Police Legal Advisor's office shall maintain copies of the Mutual Aid Agreements and ensure that all current agreements are posted to OPD Online. Members should check OPD Online and ensure that a current mutual aid

agreement is on file prior to taking any law enforcement action outside of City of Orlando's Jurisdiction. Any questions or further clarification should be forwarded to the Police Legal Advisor's Office.

### 4.6 REQUESTS FOR ASSISTANCE

These agreements allow each agency to request aid from each other. In emergency situations, the watch commander may honor requests for law enforcement assistance. The watch commander shall determine the type of equipment and number of personnel required. Pursuant to the OCSO Mutual Aid Agreement, any requests for mutual aid that are known in advance shall be made in writing to the Chief of Police for approval. Verbal requests must be followed by written confirmation as soon as possible. Pursuant to the municipal Mutual Aid Agreement, requests must be made to the agency head or designee. All requests must specify the following if known:

- a. Type of equipment needed.
- b. Number of personnel required.
- c. Location where the equipment or personnel will be assigned.
- d. The purpose of the requested assistance.

### 4.7 FRESH PURSUIT

In very limited circumstances, mutual aid is not necessary for an officer to take law enforcement action. For example, if a member responds to a domestic violence battery within the Orlando City limits and the suspect flees into unincorporated Orange County, the responding unit may enter the county to locate and arrest the suspect under the authority of fresh pursuit, subject to other legal restrictions.

Mutual Aid or fresh pursuit are the only other legal authority that provides jurisdictional authority to members taking law enforcement action outside of the city limits of Orlando. Fresh pursuit is defined as an instance when an officer is engaged in an ongoing investigation **immediately** after an incident in the effort to locate a suspect. The term "immediately" shall mean within six hours of the incident. The offense and law enforcement action must have occurred within the Orlando City limits. If so, the officer may make an arrest without mutual aid, subject to any other restrictions found in arrest laws generally (e.g., no fresh pursuit into a residence for a warrantless misdemeanor arrest). If the officer is not acting pursuant to fresh pursuit or mutual aid, the officer will be deemed to be acting **without** jurisdictional authority and may then be subject to personal liability for his/her actions.

The officer shall notify the watch commander prior to leaving the City limits. The watch commander will ensure that Communications is asked to make a courtesy call to the communications center of the jurisdiction in which an OPD member will take law enforcement action.

### 4.8 NON-LAW ENFORCEMENT ACTIVITIES

Officers may also engage in "non-law enforcement" activities outside of the jurisdictional limits of the City of Orlando. This includes activities such as interviewing witnesses (not suspects) or to otherwise investigate a case without the potential to make an arrest.

If the officer anticipates that an arrest of the interview subject is probable or possible as a result of an interview or investigation, or if the officer has probable cause to make that arrest, the officer must seek approval from the jurisdiction's communications center *prior* to entering the unincorporated County and the OPD watch commander; however, for activities in OCSO jurisdiction, only notification to the on duty OCSO watch commander is required.

### 4.9 OFF-DUTY

Off-duty members shall refrain from taking action in another jurisdiction pursuant to a Mutual Aid Agreement, unless the incident is life-threatening or of an emergency nature. Traffic violations and misdemeanors are normally not emergency situations. Members shall be held strictly accountable for justifying any police action taken in another jurisdiction while they are off duty. In the event of an off-duty law enforcement action by an OPD officer, the officer shall notify the OPD Communications Center **as soon as possible**, and ask for notification to the OPD watch commander

and the communications center for the jurisdiction where the action was taken. The contacted on-duty OPD watch commander shall immediately respond to the scene of the action.

<b>5. FORMS AND APPENDICES</b>
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**ATTACHMENT A- Request to Take Law Enforcement Action in Orange County**

**ATTACHMENT B- Request to Take Law Enforcement Action in Select Agency's Jurisdiction**