

WEST PALM BEACH POLICE DEPARTMENT

II-9 MUTUAL AID-OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION

EFFECTIVE DATE: 01/01/2005

CALEA Standards: 2.1.2, 2.1.3

CFA Standards: N/A

I. POLICY: The West Palm Beach Police Department has established guidelines for mutual aid agreements between the Department and other subscribed agencies seeking assistance in their jurisdiction. It is to the advantage of each agency to receive or extend mutual aid in the form of law enforcement services or resources to adequately respond to intensive situations and continuing, multi-jurisdictional law enforcement problems.

To further ensure public safety, the Palm Beach County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement, as amended, provides that should a sworn law enforcement officer be in another subscribed agency's jurisdiction, on or off duty, and a crime of violence occurs in the presence of the officer, he or she is empowered to exercise authority as a law enforcement officer as if the officer was in his or her own jurisdiction.

II. DEFINITIONS:

A. Mutual Aid - An exchange of services, personnel, and/or equipment between law enforcement agencies during times of emergency.

B. Mutual Aid Agreement - An agreement between law enforcement agencies categorized in two types of agreements.

1. Voluntary Cooperative Agreement - A written agreement between two or more law enforcement agencies which permits voluntary cooperation and assistance of routine law enforcement across jurisdictional lines. The agreement will specify the nature of the law enforcement assistance to be rendered, which agency will bear any liability arising from acts undertaken under the agreement, and any other terms and conditions necessary to give it effect. There will be no reimbursement to any law enforcement agency from any other law enforcement agency under a voluntary cooperation agreement.

2. Operational Assistance Agreement - A written agreement between two or more law enforcement agencies evidencing a request by one agency, and agreement by the others, for the rendering of assistance in specified law enforcement intensive situations including emergencies under FSS 252.34 (2). The agreement will specify the nature of the law enforcement assistance rendered, which agency will bear any liability arising from acts undertaken under the agreement, and any other terms and conditions necessary to give it effect, including a definite time limitation. Compensation or reimbursement to the assisting agency will be as provided in the agreement.

C. Subscribed Agency- An agency which entered into the Mutual Aid agreement.

III. PROVISIONS FOR OPERATIONAL ASSISTANCE:

A. Each of the subscribed agencies may request or render law enforcement assistance to the other to include, but not be limited to:

1. Civil disturbances,
2. Large protest demonstrations,
3. Transportation disasters,
4. Fires,
5. Natural or man-made disasters,
6. Sporting events,
7. Concerts,
8. Public school graduations,
9. Parades,
10. Escapes from detention facilities, and
11. Incidents requiring utilization of specialized units.

IV. PROVISIONS FOR VOLUNTARY COOPERATION:

A. Each of the subscribed agencies may request and render law enforcement assistance to the other in dealing with any violations of F.S.S. to include, but not be limited to;

1. Homicide investigations,
2. Sex offenses,
3. Robberies,
4. Assaults,
5. Burglaries,
6. Larcenies,
7. Gambling,
8. Motor vehicle thefts,
9. Controlled substance violations pursuant to Ch. 893 of F.S.S.,
10. DUI violations,
11. Backup services during patrol activities, and
12. Inter-agency task forces and/or joint investigations.

V. REQUESTING ASSISTANCE:

A. When another agency is in need of assistance from the West Palm Beach Police Department, the agency will notify the Chief of Police or designee. The Chief of Police, or designee, will evaluate the situation and the available resources and will respond in a manner that he or she deems appropriate.

B. The on-duty shift commander is authorized to respond to routine requests for assistance from other agencies occurring in the normal course of business such as call cover, traffic stop assistance, etc.

VI. COMMAND AND SUPERVISORY RESPONSIBILITY:

A. The personnel and/or equipment assigned by the Chief of Police or designee will be under the immediate control of a supervising officer designated by the Chief of Police or designee. The supervising officer will be under the direct supervision and command of the agency head or designee of the agency requesting assistance.

VII. CONFLICTING ORDERS:

A. Whenever a West Palm Beach Police Department officer is rendering assistance pursuant to any mutual aid agreement, the officer will abide by, and be subject to, the rules and regulations, policies, and standard operating procedures of the West Palm Beach Police Department.

1. If any such rule, regulation, policy, or procedure is contradicted, contravened, or otherwise in conflict with a direct order of a superior officer of the requesting agency, the West Palm Beach Police Department rule, regulation, policy, or procedure will supersede the direct order.
2. When an order is not followed due to aforementioned circumstances, the officer will notify his or her supervisor of the conflict and the supervisor will respectfully request:
 - a. the order be rescinded; or
 - b. the order be redirected to a superior officer of the West Palm Beach Police Department.

VIII. OFFICERS ACTING IN AN OFFICIAL CAPACITY OUTSIDE OF THE WEST PALM BEACH JURISDICTION:

A. Officers may exercise law enforcement authority outside of their employment jurisdiction, provided the jurisdiction that they are in subscribes to the Palm Beach County Law Enforcement Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement (Appendix A).

B. An officer may act in an official capacity when he or she witnesses a violent felony outside of West Palm Beach and in a subscribed agency's jurisdiction. A violent felony is defined as the commission or attempted commission of murder, armed robbery, strong-arm robbery, sexual battery, arson or the use of explosive devices in a structure presumed to be occupied, kidnapping, armed burglary, or any other felony which involves the use of deadly force against an individual. An officer who exercises his or her law enforcement authority outside of West Palm Beach will do the following:

1. Immediately after the situation is brought under control, notify the agency having normal jurisdiction.
2. Turn the investigation over to the agency having normal jurisdiction.
3. Offer any assistance requested including, but not limited to, a follow-up report documenting the event and actions taken.
4. Notify an on-duty shift commander of the West Palm Beach Police Department.

C. When an officer is personally involved in an incident outside of West Palm Beach, he or she may not take any law enforcement action which involves family, personal friends or neighbors unless immediate action is necessary to prevent serious bodily harm.

D. Nothing in this section is meant to require or order an officer to act on a crime of violence committed in presence of the officer outside of his or her jurisdiction, but only to authorize such action if the action would be that of a reasonably prudent person.

IX. REFERENCE:

- Civil Disturbance Plan.
- Disaster Plan.
- F.S.S. 23.1225 Mutual Aid Agreements.
- F.S.S. 250.28 Order for troops to aid civil authorities.
- F.S.S. 252.34 Definitions.
- F.S.S. 768.28 Waiver of sovereign immunity in tort actions, recovery limits; limitation on attorney fees; statute of limitations; exclusions.
- F.S.S. Ch. 893- Drug Abuse, Prevention, and Control.

Delsa R. Bush, Chief of Police

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Job Title Task Files: Bureau Commander