

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject AUTHORITY AND JURISDICTION	Policy Number GB-1
		Effective Date 09-14-23
Related Information Arizona Revised Statutes (ARS) GD-10, <i>Off-Duty Incidents</i> GE-3, <i>Property Management and Evidence Control</i> GF-5, <i>Incident Reports Guidelines</i> GJ-12, <i>Next-of-Kin Notifications</i> United States Code (USC)	Supersedes GB-1 (06-12-13)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures defining the legally mandated authority and jurisdiction vested in sworn Office personnel within Maricopa County boundaries, in concurrent jurisdictions, and in off-duty incidents; delineate the geographic boundaries of the Office's jurisdiction; provide a guide to federal jurisdiction and requesting federal law enforcement assistance; and identify a system to provide geographical reporting areas with assistance from Office support personnel.

POLICY

It is the policy of the Office to partner with local, state, and federal agencies to enforce the law, deter criminal activity, protect life and property, and maintain order in areas under Office jurisdiction.

DEFINITIONS

American Indian: A person who is a registered member of a federally recognized tribe.

Concurrent Jurisdiction: Having equal or overlapping jurisdiction or authority.

Jurisdiction: The right and power to interpret and apply the law.

Law Enforcement Officer: Any person vested by law with a duty to maintain public order and make arrests.

Mutual Aid: An exchange of services, personnel, and equipment between law enforcement and public safety agencies during an emergency or incident.

Tribal Land: Area within the boundaries of Indian lands; Indian reservation, including rights-of-way; dependent Indian communities; and any land or interests in land outside a reservation that is owned by a tribe or tribes; or any lands held in trust by the United States for benefit of an Indian tribe.

PROCEDURES

1. **Legal Authority:** The legal authority of the Office is derived from the Arizona Constitution which permits the legislature to establish the range and scope of the Sheriff's authority, mandated duties, and responsibilities, as set forth in the Arizona Revised Statutes (ARS).

- A. ARS 11-441 empowers the Sheriff to employ deputies to fulfill mandated duties and responsibilities. Deputies shall be certified by the Arizona Peace Officer Standards and Training Board (AZPOST) and administered an oath or affirmation of office by the Sheriff before they may assume their duties and responsibilities. As outlined in ARS 13-3871, the deputy's authority may extend to any place in Arizona under the following circumstances:
 - 1. If the deputy has prior consent of the head of a department or agency having primary law enforcement responsibility within the jurisdiction or territory.
 - 2. Under any of the circumstances set forth in ARS 13-3883 which law enforcement officers may arrest without warrants.
- B. The Sheriff also has charge of the Maricopa County jail facilities and its inmates.
- C. The Sheriff attends Maricopa County Superior Courts and all courts, except justice and municipal courts, when an element of danger is anticipated, and attendance is requested by the presiding judge and obeys lawful orders and directions issued by the judge.
- D. The Sheriff serves the issuing court process and notices in the manner prescribed by Arizona state law.
 - 1. When served, the process or notices are certified as a manner and time of service and returned to the issuing court without delay; or
 - 2. If service is unable to be completed, the process or notices are certified as to the reason for failure and returned to the issuing court without delay.
- E. The Sheriff conducts or coordinates search and rescue operations within Maricopa County.
- F. Additional statutorily mandated duties of the Sheriff include:
 - 1. Seizing and selling property at public auction for delinquent tax bills as specified in ARS 42-19110. Delinquent tax bills are received by the Office from the Maricopa County Treasurer.
 - 2. Issuing and renewing pawnbroker licenses within Maricopa County and verifying compliance as specified in ARS 44-1627.
 - 3. Regulating adult oriented businesses and employees as required by Maricopa County Ordinance P-10 for Adult Oriented Businesses and Adult Services Providers.
- 2. **Geographic Boundaries:** Within the geographical boundaries of Maricopa County, as set forth in ARS 11-109, the Office has primary jurisdictional responsibility for law enforcement and other police related services. Excluded from the Sheriff's mandated areas of primary law enforcement responsibility are the incorporated cities and towns that maintain police departments, tribal lands, federal facilities or installations, military or otherwise, and traffic related offenses or accidents occurring on state highways and do not require immediate action.
 - A. Deputies shall not routinely patrol areas within the jurisdictional boundaries of any city or town having its own law enforcement agency. Exceptions may be made if the Office is requested to assume jurisdiction in an emergency or an intergovernmental agreement, such as San Tan Mountain Regional Park.

- B. The Arizona Constitution contains a disclaimer of rights and title to any land within the boundaries of an Indian Reservation. Therefore, tribal lands are sovereign nations within this state. No arrest warrant issued by any court or in any county within the state, may be executed upon an American Indian while they are on tribal land. An American Indian on tribal land must be extradited from tribal land before the warrant may be executed. Different tribes have different extradition requirements. The requirements for a particular tribe may be obtained by contacting the tribal legal department or counsel.
- C. If a crime is committed within tribal lands, jurisdiction depends on the nature of the offense and the identity of the parties. Deputies shall coordinate all law enforcement investigations with the respective tribal police agency within Maricopa County.
1. In cases involving an American Indian offender and an American Indian victim, federal courts have jurisdiction over 14 major crimes, such as kidnapping and burglary. A complete list of crimes, normally investigated by the Federal Bureau of Investigation (FBI) can be found in 18 United States Code (USC) 1153. Tribal police and tribal courts have jurisdiction over all other offenses and may have concurrent jurisdiction over some of the 14 major crimes, such as vehicular homicide and serious assaults. The Office has no jurisdiction unless the tribe has voted to accept state jurisdiction.
 2. If a case involves a non-American Indian offender and an American Indian victim, jurisdiction is vested in the federal courts and the FBI on violations of all portions of the General Crimes Act as specified in 18 USC 1152. Tribal courts and agencies have no jurisdiction unless the United States (US) Congress delegates such power to them by statute. The Office has no jurisdiction unless the tribe has voted to accept state jurisdiction.
 3. If the offender is an American Indian and the victim a non-American Indian, federal courts and the FBI have concurrent jurisdiction with the tribal authorities over offenses covered in the General Crimes Act as specified in 18 USC 1152. Tribal police and tribal courts could have sole jurisdiction on conduct covered by the General Crimes Act if the offender is punished by the tribe first. The Office has no jurisdiction unless the tribe has voted to accept state jurisdiction.
 4. If both the offender and victim are non-American Indian, the Office has jurisdiction, to the exclusion of federal courts, based on US Supreme Court decisions. Tribal courts have no jurisdiction unless the US Congress delegates the power by statute.
 5. In cases where the offender is non-American Indian, the Office has jurisdiction over crimes without victims that occur on tribal lands, such as traffic violation and disorderly conduct. However, the US Supreme Court decisions do not exclude federal or tribal authorities from having concurrent jurisdiction.
 6. In cases when offenses by, or against, American Indians take place outside tribal lands, the Office has jurisdiction, unless there are treaty provisions that reserve exclusive authority to the tribe or provide for concurrent jurisdiction with local and state authorities by both federal and tribal agencies.
 7. Deputies may detain individuals for crimes on tribal land unless it is determined the individual is an American Indian. Deputies shall notify the local tribal police agency of any detention and, if an arrest is necessary, confirm the individual is non-American Indian.

- D. Jurisdiction over land used for military purposes is set aside exclusively for the federal government in ARS 26-252. However, the federal government has declined to accept it, so state and local agencies have concurrent jurisdiction in most criminal matters.
 - 1. Investigations on military installations shall be coordinated with Military Police.
 - 2. The Office shall assume jurisdiction on a military reservation, within Maricopa County, if requested by military authorities.
- E. State highways and freeways shall not normally be patrolled by deputies. However, deputies who observe traffic violations while in transit from one location to another may take law enforcement action. Non-traffic related criminal incidents on state highways and freeways outside the jurisdictional area of a city or town, but within Maricopa County, shall be investigated by the Office as specified in this Office Policy.
- F. Deputies encountering aircraft accidents within the jurisdiction of Maricopa County, shall render aid, secure the scene, and notify the Federal Aviation Administration (FAA). The FAA or the National Transportation Safety Board (NTSB) may assume some portions of the investigative responsibility. The General Crimes Division (GCD), Crimes Against Persons, shall investigate aircraft accidents, unless fatal. The Major Crimes Division (MCD), Death Investigations Unit, shall investigate fatal aircraft accidents. Deputies shall complete an *Incident Report* (IR) as specified in Office Policy GF-5, *Incident Report Guidelines* for all aircraft accidents.
 - 1. If a civilian aircraft accident results in fatalities, the Office shall take disposition of bodies by effecting removal, identification, and notification of the next-of-kin as specified in Office Policy GJ-12, *Next-of-Kin Notifications* and notify the MCD. This shall be accomplished in coordination with the FAA and the NTSB investigators.
 - 2. Contraband cargo found at civilian aircraft accident scenes shall be investigated by the Office.
 - 3. The military shall have sole responsibility for the investigation and disposition of military aircraft accidents. If requested, the Office shall assist the military.
- 3. **Concurrent Jurisdiction:** Concurrent jurisdiction is provided for in ARS 11-441, which vests the Sheriff with the responsibility to enforce criminal laws County-wide. In addition, ARS 13-3871 extends the powers of a law enforcement officer beyond the jurisdictional area of their agency.
 - A. An on-duty deputy encountering a situation within the state requiring law enforcement action shall take steps required to stabilize the situation.
 - 1. The agency with jurisdiction shall be notified of the circumstances and asked to respond to the scene, as quickly as possible, to take further action.
 - 2. The notified agency may assume disposition of the case or relinquish it to the deputy at the scene.
 - 3. A deputy taking disposition of an incident outside the jurisdiction of the Office shall, when appropriate, initiate an IR that details the circumstances.
 - B. In incidents occurring when a deputy is off-duty, the provisions of Office Policy GD-10, *Off-Duty Incidents* shall be followed.

1. Off-duty deputies shall use the greatest discretion in deciding to initiate law enforcement action on a felony or misdemeanor offense.
2. Whenever practical, the agency with jurisdiction shall be notified so their on-duty personnel may handle the incident.
- C. The Office has limited authority to serve court orders issued by an Arizona Superior Court on Indian Tribal Land. If a court order needs to be served on Indian Tribal Land deputies shall contact the Judicial Enforcement Division.
4. **Mutual Aid:** The Office shall provide mutual aid to requesting political subdivisions and jurisdictions in emergencies and unusual occurrences. The legal status of the Office, its employees and volunteers responding to mutual aid requests, and the legal authority to act within another agency's jurisdiction is established in the ARS. ARS permits law enforcement officers and posse members to act in any part of the state, and grant immunity to the Office, its employees, and volunteers when assisting other agencies requesting aid in emergencies.
5. **Assistance from Federal Law Enforcement Authorities:** If it has been determined a crime has been committed within the jurisdiction of a federal agency, that agency shall be contacted to assume enforcement responsibility. Some crimes, such as robbery of federally insured banks, in violation state and federal laws may be investigated concurrently. A request for the applicable federal agency to assist in or take over the disposition of a particular incident or investigation, shall be made through the chain of command. The following is an overview of crimes within federal jurisdiction, and the agencies responsible for their investigation.
 - A. The FBI investigates violations of more than 200 categories of federal statutes. Deputies shall, with the approval of a supervisor, notify the FBI immediately of the occurrence of any federal crimes under that agency's jurisdiction including, but not limited to, the following:
 1. Hijacking, seizure or attempted theft by force or violence, of a private aircraft in commercial use, or a commercial aircraft in flight or on the ground.
 2. The transportation of a stolen aircraft in interstate or foreign commerce, or across a state line, and the receipt, concealment, storage, sale, or disposal of stolen aircraft.
 3. Carrying a concealed or dangerous weapon by any person attempting to board a commercial aircraft, except law enforcement officers.
 4. Destroying, or attempting to destroy, an aircraft engaged in interstate commerce, or any shop, landing area, terminal, or other facility used in the operation of such aircraft.
 5. False reports of a threat to hijack or damage an aircraft or related facilities, by digital media, letter, telephone call, or verbal statement made by any person, including practical jokes. Also, stowaways on any aircraft, military or commercial, entering or leaving the United States.
 6. The theft of any cargo or merchandise being shipped in interstate or foreign commerce by aircraft, or the receipt or possession of such cargo or merchandise.
 7. Crimes against federally insured banks, the assault or slaying of a federal officer, fraud against the federal government, and election law violations.
 8. The interstate transportation of gambling devices; obscene material, stolen cattle, motor vehicles, aircraft, or other stolen property; and the transmission of wagering information.

9. Attempts to overthrow or destroy the government, commit sabotage or treason, train derailment, unlawful flight to avoid prosecution, and civil rights violations.
- B. The ATF of the United States Department of Justice enforces federal firearms regulations. It is illegal to possess the following weapons or devices unless their ownership is registered with ATF:
1. Machine guns, including those unserviceable and deactivated, pistols with shoulder stocks, except percussion cap or earlier pistols and revolvers, and items other than conventional pistols and revolvers capable of firing a shot and being concealed, and any muffling or silencing device designed for use on any type of firearm.
 2. Any rifle or shotgun with an overall length less than 26 inches, any shotgun with a barrel less than 18 inches in length, any rifle with a barrel less than 16 inches long, or any combination rifle-shotgun with a barrel less than 18 inches long.
 3. Proper registration can be determined by examining the ATF registration form that should accompany the weapon and be in the possession of the owner, except with weapons manufactured before 1898, which do not have to be registered.
 4. An ATF agent shall be contacted immediately upon finding a person in possession of any unregistered weapon noted in this section by calling the agency's 24-hour number, listed in the local directory. Illegal firearms that come into the possession of a deputy shall be seized and impounded as contraband as specified in Office Policy GE-3, *Property Management and Evidence Control*.
 5. If no state charges can be brought against a person in possession of illegal firearms, they may be booked on the federal charges when detention is necessary for public safety. The arresting deputy must notify a federal agent immediately so federal charges may be filed within 24-hours.
 6. If immediate arrest is not necessary, an IR shall be completed, the firearms impounded, as specified in Office Policy GE-3, *Property Management and Evidence Control*, and a copy of the report forwarded to the ATF.
 7. Under Title 18, USC 44, any person who has been dishonorably discharged from the armed forces, adjudicated as mentally incompetent, or convicted of a felony offense, as deemed by the laws of the jurisdiction wherein the proceedings were held, or any person in the country illegally, is prohibited from owning or possessing a firearm.
 8. Any expunged or set aside conviction, or granted pardon or civil rights restored, does not apply. If a person's status cannot be verified, an IR shall be completed, and the firearms impounded as evidence as specified in Office Policy GE-3, *Property Management and Evidence Control*.
- C. The United States Customs and Border Protection (CBP) is responsible for apprehending individuals attempting to enter the United States illegally; stemming the flow of illegal drugs and other contraband; protecting agricultural and economic interests from pests and diseases; protecting American businesses from theft of intellectual property; and regulating and facilitating international trade, collecting import duties, and enforcing US trade laws.
- D. The United States Immigration and Customs Enforcement (ICE) is responsible for enforcing federal laws governing border control, customs, trade, and immigration. The agency has two principal

operating components - Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO).

- E. The US Marshal Service provides personnel to secure the federal courts and implement and enforce their rulings and orders. The Marshals may be contacted 24-hours a day through the Communications Division. The agency's responsibilities include, but are not limited to, the following:
 - 1. Security of federal courts and judges, and the apprehension and prosecution of escaped federal prisoners.
 - 2. The apprehension of violators of federal parole and probation, bond defaulters, and those who fail to appear.
- F. The US Postal Service has jurisdiction over offenses related to the US mail. The Postal Inspector has jurisdiction over the following:
 - 1. A post office burglary or robbery, or assault upon a mail custodian, the theft and/or possession of mail or pouches stolen from post offices, or from rural, highway contract routes, apartment house, or street letter boxes.
 - 2. The theft or possession of stolen US Postal Service property, obstruction of the mail or correspondence, fraudulent use of the mail, and forgery of US Postal Money Orders or Postal Saving Certificates.
 - 3. Obscene, extortionate, and defamatory or libelous matter, issues related to lotteries or games of chance, explosives, and poisons in the mail.
 - 4. Theft, damage, or destruction of the mail by postal employees, or others not employed by the Postal Service, and willful damage to letter and rural mailboxes, or the theft of such boxes.
- G. The US Secret Service requests notification, at any time, of the occurrence of any of the following federal crimes:
 - 1. Threats against the President, the Vice-President, the President-Elect, or the Vice-President-Elect.
 - 2. Counterfeiting US or foreign currency, coins, stamps, or other obligations, or the forging or altering of US Treasurer's checks, bonds, or other securities.
 - 3. Mutilating or altering US or foreign currency or coins, or making exact reproductions of US currency, stamps, bonds, checks, or other government securities without authority.
 - 4. Committing fraud related to the use of credit cards or bank access devices, and the counterfeiting of credit cards and bank access devices.
- H. The Internal Revenue Service (IRS) has jurisdiction over violations of income, excise, stamp, and other tax laws. Its Intelligence Division pursues violators such as gamblers, narcotics dealers, and other violators who do not report their illegal financial gains as taxable income.

- 6. **Reporting Areas:** The standard method of determining locations using geographical reporting areas is essential to the effectiveness of search and rescue operations, crime analysis, and activities directing personnel and equipment into a specific area. Reporting areas can also serve as a guide to delineate the specific geographical boundaries of the Office.

- A. The Computer Aided Dispatch (CAD) system will identify reporting areas using a Geographical Location File (Geo-File). Calls entered into the CAD system will have the reporting area assigned automatically by the computer.
- B. Maps shall also be available to the Communications Division, Patrol Bureau, Civil Division, and other affected personnel to manually identify reporting areas.
- C. The accurate use of reporting areas will assist in the analysis of incidents, crimes, and services, and in assessing demands for service and workload distribution.
 - 1. Reporting areas divide Maricopa County into many smaller areas whose size and shape are determined by such things as physical and natural barriers, beat boundaries, access routes, calls for service, and population. Where the boundaries align on streets, the dividing line is the center of the street.
 - a. Lakes and rivers have their own separate reporting areas with the rivers broken into sections.
 - b. Activity occurring on or under the water will use that specific reporting area. Activity on the shore, adjacent to the body of water, will use the reporting area assigned to the adjacent area. The dividing line is the water's edge.
 - 2. Each in-County reporting area is identified by an alpha character "R" followed by a single digit number representing the district the reporting area is in, and is followed by a unique three-digit number. These can be broken down into smaller areas, if necessary, by adding additional characters.
 - a. All out-of-County, but in-state, reporting areas will be designated by alpha characters, beginning with the letters "RX," followed by the two-character designation for the county the activity occurred. The designations for Arizona counties are:

Apache-AP	Cochise-CO	Coconino-CN
Gila-GI	Graham-GR	Greenlee-GE
LaPaz-LA	Mohave-MO	Navajo-NA
Pima-PI	Pinal-PN	Santa Cruz-SA
Yavapai-YA	Yuma-YU	
 - b. Out-of-state reporting areas will be designated by "RZ," followed by the standard two-character state abbreviation.
 - 3. District commanders shall review the distribution of reporting areas within their districts at least annually and make recommendations to the Patrol and Enforcement Support Bureau Chiefs as to whether the reporting areas should be sub-divided.
- D. Large Maricopa County maps are located at each radio console and complaint receiving station within the Communications Division. These maps outline the Office service area and patrol beats.
- E. Various street directories are located at each radio console and complaint receiving station to provide information when necessary.
 - 1. The Communications Division shall maintain detailed official maps which include the geographical jurisdictional boundaries of the Office.

2. Miscellaneous topographical maps of specific areas within Maricopa County are maintained in the Communications Division to aid personnel in the type or evaluation of terrain, and other factors unique to a specific area.