

*“Under the Trooper’s Hat”*

June 2020 Jurisdictional Issues

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Jurisdictional authority relates to the authority a certain department or agency has over a location as written in the law. The jurisdictional authority of North Dakota’s law enforcement officers is outlined in the North Dakota Century Code. Each law enforcement agency has jurisdictional limitations.

The North Dakota Highway Patrol has authority over all highways in North Dakota. The NDHP enforces the laws relating to protection and use of the highways, operators’ licenses and the operation of motor and other vehicles using the highways. Troopers do not enforce city or county ordinances. For example, if a city creates an ordinance that makes having an open container of alcohol on a public street illegal a trooper cannot issue a citation for this violation because it is a specific law created by the city. Recent legislation has also provided NDHP troopers general police powers over all violations of law committed in their presence or when in pursuit of any actual or suspected law violator. Legislation has also provided general police powers over any violation of law committed on public or private property when requested by another law enforcement agency. Troopers can also respond to calls for emergency assistance requiring an immediate response which occurs outside state-owned or state-leased property, a highway, or the highway right of way, but notification must be provided to the local law enforcement agency having primary jurisdiction.

Sheriffs and Deputy Sheriffs in North Dakota have authority in all areas within their county and up to one thousand five hundred feet (1,500) outside the county. For judicial purposes, offenses committed on the boundary of two or more counties, or within five hundred yards thereof, the jurisdiction can be in either county. The county sheriff enforces the county ordinances and can only enforce city ordinances if under contract or agreement with the city.

City police officers have authority within the city limits and 1.5 miles beyond city limits to enforce state and federal laws. They also have the authority to enforce city ordinances within city limits.

You have probably seen local law enforcement officers beyond their jurisdictional limitations doing some type of law enforcement function. It is a misconception that law enforcement must stop at their jurisdictional border. The concept of “fresh pursuit” or “hot pursuit” can apply. Fresh pursuit is best defined as the pursuit of a person who has committed or who is reasonably suspected of having committed a felony, misdemeanor, or traffic violation. For example, if a municipal police officer observes a traffic violation within their city or 1.5 miles from the city line and the suspect vehicle stops well into another jurisdiction, the police officer can still arrest or issue a citation to the driver.

The location where the vehicle stops does not matter if the violation was committed within the jurisdiction of the law enforcement officer. This also applies to county sheriffs. It is common practice for law enforcement to notify the appropriate jurisdictional agency if they are beyond their jurisdictional area. For example, if a City Police Officer was chasing a fleeing suspect and the chase went beyond the city limits, they would notify the local sheriff's office and/or the NDHP.

If a law enforcement officer has reasonable suspicion that a law was broken outside their jurisdictional boundary, the officer needs to contact the proper jurisdiction for criminal or traffic charges.

Another way law enforcement can work outside of their jurisdiction boundary is through a mutual aid agreement. A mutual aid agreement is based upon at least two law enforcement agencies agreeing to assist each other in the event of an emergency or call for service. Examples of these can include weather-related incidents such as a tornado or flood or civil disturbances such as large-scale protests. Mutual aid agreements can also be used during instances when a law enforcement officer needs assistance and another agency is able to provide assistance. For neighboring jurisdictions, municipal police officers can be deputized by the county sheriff to allow for the police officers to assist the county sheriff.

The mission of the North Dakota Highway Patrol is to make a difference every day by providing high-quality law enforcement services to keep North Dakota safe and secure. NDHP invites you to visit the FAQ section of our website: [www.nd.gov/ndhp](http://www.nd.gov/ndhp), like our Facebook page [www.facebook.com/northdakotahighwaypatrol](https://www.facebook.com/northdakotahighwaypatrol) or join us on Twitter [@NDHighwayPatrol](https://twitter.com/NDHighwayPatrol) or Instagram, [www.instagram.com/ndhighwaypatrol](https://www.instagram.com/ndhighwaypatrol), where you can learn more about traffic safety, get tips, and read NDHP news. Download the NDHP mobile app to receive notifications, download a .pdf of items to include in your winter weather travel kit, report a crime tip, thank a trooper, ask a question, or make a suggestion for next month's *Under the Trooper's Hat* feature.