

Rules and Procedures

Rule 100

November 8, 1982

Rule 100 - Territorial Jurisdiction

This rule is issued to clarify the territorial jurisdiction of the Boston Police Department and to provide guidelines for the exercise of that jurisdiction by sworn members of the Department. Its provisions are effective immediately, superseding all previously issued rules, regulations, orders, bulletins and memoranda regarding the jurisdiction of the Boston Police.

Sec. 1 GENERAL CONSIDERATIONS: Generally, the jurisdiction of a municipal police agency extends to all property located within the municipality's boundaries except property owned by non-municipality's authority. The Commonwealth and the Federal Government have the power to exercise exclusive jurisdiction over their properties in Boston; however, it would be unusual for them to do so. Even under circumstances in which jurisdiction is not clear, there is rarely a problem as long as the officers involved use good judgment and cooperate as fully as possible with the officials responsible for the property.

Sec. 2 HARBOR AND ISLANDS: The department has statutory responsibility to police certain areas of the Boston Harbor and some of the islands in it; specifically, the Department has jurisdiction over Thompson, Spectacle, Long, Rainsford, and Deer Islands. The below map illustrates the territorial limits of the city in the Harbor area and the responsibility for policing islands within the city limits.

Sec. 3 LICENSED PREMISES: As agents of the Licensing Board of the City of Boston, police officers of this department are authorized to inspect all premises licensed by the Board, including those on state property; e.g., establishments on Northern Avenue and at Logan Airport. The officer may exercise the full authority of his office on such premises.

Sec. 4 SUFFOLK COUNTY BUILDINGS: In buildings within Boston under the control of Suffolk County, a Boston police officer may exercise the full authority of his office.

Sec. 5 STATE HIGHWAYS: Chapter 81, section 19, of the general Law establishes the police jurisdiction of a municipality over "all state highways within its limits." The Boston Police Department, therefore, has jurisdiction over all streets and highways in the city except those under the exclusive control of the Metropolitan District Commission. On any state highways within the city, Boston Police jurisdiction is shared with the appropriate agency or agencies.

Sec. 6 METROPOLITAN DISTRICT COMMISSION ROADWAYS: There is some question as to the extent of a Boston officer's authority and responsibility on M.D.C. controlled roadways.

Members of the Department who are called upon to take official action on a M.D.C. roadway should take whatever action is necessary to meet the emergencies of the situation and should notify the State Police.

If no emergency exists, the officer's authority will be the same as it is on any other state-controlled property inside Boston (see Sections 8, 10 and 11).

Sec. 7 MASSACHUSETTS TERRITORY OUTSIDE BOSTON: Under normal circumstances, a Boston police officer has the authority to make an arrest outside Boston in situations involving (1) fresh and continued pursuit within the city of a person who has committed an arrestable offense in the pursuing officer's presence, or (2) execution of a warrant of arrest or commitment. In all cases when an arrest or investigation is to be made outside the City, the appropriate law enforcement agency will be notified, if possible, before the event takes place.

Sec. 8 STATE BUILDINGS AND PROPERTY: A Boston officer's authority on state-controlled property inside Boston is much the same as his authority outside the city. He may make an arrest on such property in situations involving (1) fresh and continued pursuit of a person who has committed an arrestable offense in his presence, or (2) execution of a warrant of arrest or commitment. In cases when such an arrest is to be made, the officer involved will notify the State Police. If possible, before the arrest takes place.

Boston Police are not authorized to enter state buildings or properties to conduct investigations without the prior consent of an official in charge of the property. Boston police officers must obtain permission from such an official prior to conducting any investigations on state-controlled property.

Sec. 9 CALLS FOR SERVICE ON STATE PROPERTY: The following procedures will be followed when the services of the Department are requested on state property within the city.

A. The person having control of the state property will notify the Boston Police Department Operations Division. In situations involving construction areas on state property for private contractors the contractor is responsible for the area and, therefore, has the responsibility to initiate the request for police assistance.

B. The Boston Police Department will respond immediately upon receipt of a request for police assistance.

C. Upon receipt of an emergency call for police assistance, the Boston Police Department will immediately notify the State Police.

D. A liaison officer from the State Police will be dispatched to the scene to evaluate the situation regarding further assistance and deployment of State Police manpower and equipment.

E. Members of all departments involved will cooperate to alleviate the emergency situation and the liaison officer from the State Police will be responsible for the overall coordination of the activities with the on-scene commanders of the Boston Police Department and the State Police.

Sec. 10 FEDERAL PROPERTY: The department's jurisdiction over Federal property varies from one property to another, depending upon the type of control exercised by the Federal Government and the nature of the activity to be undertaken by the Department. As a matter of practice, before entering upon Federally-owned property with the intention of making an arrest, conducting an investigation, or otherwise exercising police authority, Boston police officers will contact the agency in charge of the property and obtain permission.

However, if the officer is in fresh pursuit of a subject wanted (1) for an arrestable offense committed in the pursuing officer's presence, or (2) on a warrant of arrest or commitment, he may continue the pursuit onto Federal Property and notify the appropriate police agency once the suspect is either apprehended or lost.

In cases where a private building in the city is occupied in part by a Federal agency, the officer may exercise the full authority of his office on the premises so occupied.

Sec. 11 EXTENSION OF JURISDICTION UNDER SPECIAL CIRCUMSTANCES: The full jurisdiction of Boston police officers is extended to other cities or towns of the Commonwealth or to state-controlled property if and when they are sent by the Department pursuant to a request for assistance from the appropriate authority. In such cases, the Boston officer's legal powers will equal those of a police officer of the requesting authority; however, he or she will be under the authority of this Department and will act in accordance with its rules and policies.

Chapter 607, Section 1 of the General Laws, 1979, authorized a police officer empowered to arrest within the city of Boston to exercise such authority of arrest of a person found within five hundred yards into the corporate limits of the town of Brookline and a police officer empowered to arrest within the town of Brookline may exercise such authority of arrest of a person found within five hundred yards into the corporate limits of the city of Boston if as a result of an investigation or as a result of his personal observation said police officer would have the right to arrest a person without a warrant for any offense if said offense had been committed within his jurisdiction. A police officer acting under this act is authorized to exercise all powers incidental to arrest which he would possess if such arrest was made within his jurisdiction. (Accepted by Boston City Council, 10-31-79.)

NOTE: Rule No. 100, promulgated in July of 1974, and amended in July of 1982. Section 9, 10, and 11 were rearranged, in addition, the second paragraph was added to Section 11.

NOTE: This rule has been changed to reflect changes in the State Police Agencies.