



**Policy Number: 100 – Law Enforcement Authority**

**Effective Date: January 18, 2020**

**Revision Date: January 18, 2020**

**Approved By: Denis Otterness, Chief of Police**

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## **100.1 PURPOSE AND SCOPE**

The purpose of this policy is to affirm the authority of the members of the Montana State University Billings Police Department (Department) to perform their functions based on established legal authority.

## **100.2 POLICY**

It is the policy of this Department to limit its members to only exercise the authority granted to them by law.

While this Department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This Department does not tolerate abuse of law enforcement authority.

## **100.3 PEACE OFFICER POWERS**

Sworn members of this Department are authorized to exercise peace officer powers pursuant to applicable state law and a Memorandum of Understanding with the City of Billings.

### **100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE MONTANA STATE UNIVERSITY BILLINGS POLICE DEPARTMENT**

The arrest authority within the jurisdiction of the Montana State University Billings Police Department includes:

- a. When the officer possesses an arrest warrant (§ 46-6-210, MCA).
- b. When the officer reasonably believes a felony arrest warrant has been issued within the State of Montana (§ 46-6-210, MCA).
  1. An arrest based on a warrant for a city ordinance violation may only be made if the violation occurred within the jurisdiction of the Montana State University Billings Police Department, unless otherwise provided by law.
- c. When the officer reasonably believes a felony arrest warrant has been issued in another jurisdiction to arrest the person (§ 46-6-210, MCA).
- d. When the officer reasonably believes he/she has probable cause that an offense is being committed or was committed by the person to be arrested and existing circumstances necessitate immediate arrest (§ 46-6-311, MCA).
- e. No person may be arrested in the person's home or private dwelling place at night for a misdemeanor offense committed at some other time and place, other than partner or

family member assault, unless a judge includes express direction to do so in an arrest warrant (See Domestic Violence Policy #309 for arrests specific to those crimes (§ 46-6-210, MCA).

### **100.3.2 CITY OF BILLINGS MEMORANDUM OF UNDERSTANDING**

The Montana State University Billings Police Department is granted additional jurisdiction and authority under a Memorandum of Understanding with the City of Billings and the Billings Police Department. This Memorandum of Understanding provides, in part, the following authority:

Pursuant to § 20-25-322, MCA, and the City of Billings, the Montana State University Billings Police Department is authorized to issue citations for parking or moving traffic violations as defined by State or Municipal laws within the boundaries of the campus and on the streets and alleys contiguous to the campus and within both the City limits and a five mile radius of the City limits.

Pursuant to § 20-25-321, MCA, and the City of Billings, officers from the Montana State University Billings Police Department are granted jurisdiction to enforce all violations of criminal code found in MCA and Billings Montana City Code (BMCC) to include Municipal infractions within both the City limits and a five mile radius of the City limits while in the performance of their duties.

As allowed under § 44-11-101, MCA Montana State University Billings Police Officers, while enforcing provisions of any criminal code within both the City limits of Billings and within a five mile radius of the City of Billings, shall be acting under a standing request for mutual aid from the Billings Police Department and as such have the same powers, duties, rights, privileges and immunities as a Police Officer of the Billings Police Department.

### **100.4 CONSTITUTIONAL REQUIREMENTS**

All Department members shall observe and comply with every person's clearly established rights under the United States and Montana Constitutions.