

**100.1 PURPOSE AND SCOPE**

Law enforcement officers are granted the authority to perform their functions based on established legal authority. This department does not tolerate abuse of law enforcement authority.

**100.2 PEACE OFFICER POWERS**

Sworn members of this department shall be considered peace officers pursuant to Tex. Code of Crim. Pro. art. 2.12. The authority of any such peace officer extends to any place in the State of Texas and assigns the duty to every peace officer to preserve the peace within the State of Texas and their jurisdiction through all lawful means. A peace officer shall perform the duties as required under the Tex. Code of Crim. Pro. art. 2.13.

Special or limited peace officer powers or authority to arrest may be granted to others as specified in Tex. Code of Crim. Pro. art. 2.121 - 2.125.

**100.3 CONSTITUTIONAL REQUIREMENTS**

All employees shall observe and comply with every person's clearly established rights under the United States and Texas Constitutions.

**100.4 LAW ENFORCEMENT JURISDICTION**

Employees should be aware that there are numerous law enforcement agencies within and surrounding the precinct. These agencies have jurisdiction within the confines of their geographical boundaries or areas of control. This includes, but is not limited to, the following:

- a) Federal law enforcement officers possess full federal authority nationwide as given to them under the United States Code (U.S.C.). Federal Law Enforcement Officers are authorized to enforce various laws at the federal, state, county, and local level. The Federal Building in Houston is a federal reservation. The Federal Police have patrol jurisdiction and the FBI has investigative jurisdiction.
- b) The Department of Public Safety (DPS) is a state entity which has statewide jurisdiction to conduct criminal investigations, issue traffic citations, and

investigate intra-state crashes. This includes the Texas Rangers and DPS Troopers.

- c) Sheriff's Offices are county level entities which have jurisdiction to conduct criminal investigations and enforce County Ordinances within their county. They have statewide jurisdiction to arrest for any criminal offense committed within their presence or view. They have countywide jurisdiction to issue traffic citations. The local Sheriff's Office is Harris County Sheriff's Office (HCSO).
- d) Constable Offices are county level entities which have countywide jurisdiction to serve civil process and conduct criminal investigations. They have statewide jurisdiction to serve warrants and arrest for any criminal offense committed within their presence or view. They have countywide jurisdiction to issue traffic citations. Constable Offices are broken up into Precinct's and Harris County has eight (8) Constable Precincts.
- e) Municipals are County level entities which have countywide jurisdiction to conduct criminal investigations. They have jurisdiction in their municipality and concurrent counties to issue traffic citations and statewide jurisdiction to arrest for any criminal offense committed within their presence or view.

### **100.5 I. AUTHORITY AND AGENCY JURISDICTION**

The jurisdiction of the Harris County Constable Pct. 3 is limited to inside of Pct. 3 limits as specified by the J.P. Court and Constable Map boundaries approved by Commissioners Court with certain exceptions.

A. Deputies appointed by the Pct. 3 Constable have all the authority granted to them by the State of Texas as Peace Officers. Appointed deputies have the responsibility to act within the law, preserve order, arrest offenders, and protect the residents and visitors in our county.

B. Deputies have arrest authority anywhere within the State of Texas; however, the exercise of that authority will be limited when outside the county limits to those situations involving a felony or the use of violence or threatened use of violence against a person, and then only to the extent that the deputy is able to safely intervene. When off-duty or out of our primary jurisdiction, deputies seldom have appropriate equipment, communications, or the assistance needed to properly intervene in dangerous situations. Intervention in these cases may be resolved by calling appropriate authorities and remaining on scene to provide witness information. (An official map of the county limits will be maintained in each patrol briefing room.)

C. Deputies have authority to enforce the law on property owned by the county but outside the Precinct Three limits.

D. Deputies have authority to pursue offenders outside the county limits who have committed violations inside the county pursuant to the department's pursuit policy. When investigating a crime that occurred inside the county, deputies may utilize their authority to conduct investigations, including interviewing witnesses, interrogating suspects, executing search and arrest warrants, and making lawful arrests without warrants anywhere in the State of Texas.

E. Deputies have authority to enforce the law in another jurisdiction pursuant to a properly executed mutual aid agreement.

F. While Deputies have full authority to make arrests, issue summonses, and use force in enforcing the law, deputies are also expected to use discretion and common sense in the application of this authority. Deputies should always seek the least intrusive level of intervention appropriate to preserve the peace and protect the public safety.

#### **100.6 AUTHORITY TO CARRY WEAPONS AND USE FORCE**

A. Sworn deputies who are licensed peace officer of the State of Texas are authorized to carry firearms and other weapons as identified in these directives and to use force when necessary and to the extent authorized by these orders and state law in enforcing the law and protecting the public.

B. Sworn deputies who are off-duty are encouraged to carry firearms in order to take action when necessary to preserve life and property. When not in uniform, deputies will not allow any weapon to be visible to the public.

C. Deputies are not to carry any weapon when off-duty and have consumed or intend to consume any alcoholic beverages.