

	POLICY & PROCEDURE	SERIES # 505	PAGE 1 OF 4
	SUBJECT		EFFECTIVE DATE
	<b>RELATIONSHIPS WITH JURISDICTIONS WITHIN THE CITY OF HAMPTON</b>		<b>08/16/12</b>
			OVERSIGHT <b>Operations</b>
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P #505 dated 02/01/01.		

I. PURPOSE:

To identify and establish responsibilities of the Hampton Police Division as they relate to jurisdictions that exist within the borders of the City of Hampton. This policy is established to address legislative jurisdictional issues only and is not intended to alter or impact mutual aid agreements that currently exist or may be undertaken in the future.

II. POLICY:

Concurrent Jurisdiction situations may be mandated by law or the result of longstanding mutual agreements. It is the policy of the Hampton Police Division to share concurrent jurisdiction in those areas identified in this policy. Generally, the role of the Police Division will be to provide assistance and support to the appropriate agency upon request. This policy is established to address legislative jurisdictional issues only and is not intended to alter or impact mutual aid agreements that currently exist or may be undertaken in the future.

III. PROCEDURE:

A. Jurisdiction is the legal authority of an agency of government to deal with a matter. The jurisdiction of a police agency applies to its law enforcement authority in a designated geographical area.

1. Exclusive Jurisdiction exists when only one agency exercises authority over a given area.
2. Concurrent Jurisdiction occurs when more than one agency shares authority within a designated area.
3. Proprietary Jurisdiction exists where the federal government acquires ownership of land within a state but has not obtained any measure of legislative authority over the land. The federal government owns the land merely as a proprietor or housekeeper. Proprietary jurisdiction thereby provides for the enforcement of federal laws but not state laws by federal authorities in these areas. Furthermore, the responsibility for the investigation of any violation of State Law remains with the State or Local agency.

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APPROVED:  
CHIEF OF POLICE



- B. If Jurisdiction issues are unclear the problems inherent to providing service to areas of concurrent jurisdiction can inhibit law enforcement operations.
- C. In order to clarify the role of Hampton Police Division personnel in areas of concurrent jurisdiction, it shall be the policy of the division not to randomly patrol these particular areas. When it becomes necessary to conduct routine police business, Division personnel should attempt to coordinate their efforts with the appropriate agency.
- D. The following relationships exist as they relate to jurisdictional matters:
  - 1. Federal Property
    - a. Fort Monroe
      - (1) In 1803, the United States government acquired land for the establishment of a lighthouse and subsequent conveyances were made for the purpose of fortification and national defense. Later court cases and legislative acts established concurrent jurisdiction over portions of Ft. Monroe, particularly the area occupied by the Chamberlin Hotel (now "The Chamberlin" Senior Living Apartments).
      - (2) In 2011 the Department of the Army vacated Ft. Monroe and turned the property back over to the State of Virginia. The City of Hampton leases parcels of the property and has been given concurrent jurisdiction on all properties on Ft. Monroe until other arrangements are made. The National Park Service has jurisdiction over sections of the inner Fort and portions of the beach that have been designated as National Parks.
    - b. Langley Air Force Base (LAFB)
      - (1) Beginning in 1916, the United States government acquired various portions of land which comprise Langley Air Force Base.
      - (2) No provisions have been made for shared authority and responsibility and as such, the Hampton Police Division has no concurrent jurisdiction over any area of Langley Air Force Base. LAFB authorities have Exclusive Jurisdiction on Langley Air Force Base.
      - (3) A significant jurisdictional concern exists over areas of proprietary jurisdiction on Langley Air Force Base.
      - (4) The areas of exclusive and proprietary jurisdiction are identified on maps maintained by the Police Division.

c. NASA Langley Research Center

- (1) The NASA facility has areas of proprietary and exclusive jurisdiction.
- (2) The areas of exclusive and proprietary jurisdiction are identified on maps maintained by the Police Division.

d. Veterans Administration and the Hampton National Cemetery

- (1) On June 20, 1977, the area of land comprising the Veterans Administration Center of Hampton including the Hampton National Cemetery over which the federal government exercised exclusive jurisdiction was changed to concurrent jurisdiction shared with the Hampton Police Division.
- (2) This jurisdiction change was the result of a mutual agreement between the Hampton Police Division and the Veterans Administration.

2. Institutions of Higher Learning

a. Hampton University is a private educational institution which has a Campus Police force for providing law enforcement services. The Hampton Police Division has concurrent jurisdiction on Hampton University Property.

- (1) Hampton University's police powers are derived from a provision of state law in Title 23, Chapter 17 "Campus Police Departments" which establishes authority and responsibilities of Campus Police Forces through the Virginia Department of Criminal Justice Services (DCJS).
- (2) Hampton University police have all of the powers, functions, duties, responsibilities and authority as any other police agency in Virginia.
- (3) Virginia State Code sets their jurisdictional boundaries as: "Property owned or controlled by the relevant public or private institution of higher education, and upon the streets, sidewalks, and highways immediately adjacent thereto".
- (4) If a Hampton PD officer witnesses a violation of City or State Law on Hampton University property, they must notify HUPD of the event and request an HU Officer's response. Charges shall be determined as in any other location within the City of Hampton. HU Police would be the reporting entity for the violation.

- b. The Thomas Nelson Community College (T.N.C.C.) Police Department has Exclusive Jurisdiction on the T.N.C.C. campus.
  - (1) The T.N.C.C. campus in Hampton includes the entire property located at 99 Thomas Nelson Drive, the “Professional Workforce Development Center”, and the “Hampton III” building located at 525 Butler Farm Road.
  - (2) Calls for service, reportable incidents, and criminal investigations that occurred on T.N.C.C. property should be reported to T.N.C.C. Police. Hampton Police may conduct enforcement and investigation for incidents that occur on Thomas Nelson Drive and Butler Farm Road as they are both public highways within the jurisdiction of the City of Hampton. Hampton Municipal Code applies on these thoroughfares.
  - (3) If an HPD officer witnesses a violation of State Law on T.N.C.C. property, they must notify T.N.C.C. police of the event and, if arrest is made, charge under State Code. T.N.C.C. Police would be the reporting entity for the violation.
  - (4) T.N.C.C. has a mutual aid agreement with the Hampton Police Division in the event of an emergency situation.
  
- c. While it is useful to know the sources and areas of jurisdiction which apply to Hampton University it is important for all personnel to understand that although the police division has concurrent jurisdiction over these areas, our position is to allow these established authorities to perform their intended duties. We will provide appropriate assistance when requested.

