

Andrew Hart

From: Patrick Polky <ppolky@knoxcountymaine.gov> on behalf of Patrick Polky
Sent: Tuesday, March 7, 2023 8:23 AM
To: Andrew Hart
Cc: Curt R. Andrlick; Wendy Galvin
Subject: Action Item
Attachments: title30-Asec405.pdf

Good Morning Mr. Hart,

Please find attached a .PDF of MRS Title 30-A Sec. 405. Optional arrest powers. Thank you for doing the research into whether this had been previously approved by the county commissioners.

As I mentioned in our conversation about the issue, it was recommended that all Sheriff's revisit this to ensure that the commissioners are aware that approving "optional arrest powers" extends numerous benefits to county law enforcement when outside of the county. This does not give deputies the power to patrol outside of the county, only the ability to exercise arrests in limited situations that are connected to public safety and criminal investigations.

The language can be something to the effect of: "Act to Approve and Authorize Optional Arrest Powers to the Sheriff and Deputies, pursuant to Maine Revised Statutes Title 30-A, Section 405"

Thanks,

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Patrick W. Polky
Sheriff, Knox County

"Tough times don't last, tough people do." – Robert H. Schuller

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§405. Optional arrest powers**1. Optional powers.**

[PL 2003, c. 233, §1 (RP).]

1-A. Optional powers. The county commissioners may authorize a county's sheriff and certified full-time deputy sheriffs who have met the requirements of Title 25, section 2804-C to perform any of the acts described in Title 17-A, section 15 while outside the jurisdiction in which they are appointed if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest.

[PL 2003, c. 233, §2 (NEW).]

2. Liability. When a county sheriff or deputy sheriff makes an arrest, as authorized in subsection 1-A, outside of jurisdictional limits of the county in which the sheriff or deputy sheriff is appointed, that sheriff or deputy sheriff has the same immunity from tort liability and all of the pension, relief, disability, worker's compensation, insurance and any other benefits the sheriff or deputy sheriff enjoys while performing duties within the sheriff or deputy sheriff's appointing county.

[PL 2003, c. 233, §3 (AMD).]

SECTION HISTORY

PL 1993, c. 594, §1 (NEW). PL 2003, c. 233, §§1-3 (AMD).

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