

Opinion Committee

From: daoffice@cocherokee.org
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To: OCT 12 2017 Opinion_Committee
Subject: Opinion on Police Powers on city owned lake outside city limits.

FILE # ML-48223-17
LC # 48223

OPINION COMMITTEE

RQ-0186-KP

Dear Committee:

At the request of the Chief of Police for the City of Jacksonville Police I am asking for an Attorney General Opinion regarding the following matter:

"I am writing for clarification on jurisdictional police powers. I became the Police Chief for the city of Jacksonville in 2016. The city owns Lake Jacksonville, and the police department was patrolling it, even though it was not in the city limits. I contended that if the lake was not in the city limits, the police department has no jurisdictional authority other than pursuing a violator outside of the jurisdictional, hot pursuit, etc. I recommended that the city annex the lake (or as the city manager states, the land underneath the water in the lake). It is still my position that if we do not annex the lake I will pull the lake patrol and leave it to the sheriff's department. I know another option may be to create a M.O.U. with the sheriff's office for the city to patrol it but even with one in place the way I interpret stat law is that we would still have to hand over jurisdiction and investigation to the county on certain offenses. Some of the lake falls within the city's ETJ, however, it is my interpretation that an ETJ is designed to protect land for future annexation, not to extend police powers outside the city limits. An opinion on this of the lake has been set up for public hearing in October and November. - Andrew G. Hawkes, Chief of Police"

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