



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

September 28, 1977

ATTORNEY GENERAL OPINION NO. 77-316

Mr. George H. Herrelson, Jr.
Attorney at Law
528 Main Street
Post Office Box 49
Galena, Kansas 66739

Re: Cities--Police--Jurisdiction

Synopsis: Under 1977 Senate Bill No. 492, a city police officer has no authority to act in any official capacity outside the corporate limits of the city except when in fresh pursuit of a suspect, when acting on property owned or controlled by the city, and when responding to a request for assistance from law enforcement officers who themselves have jurisdiction of the area involved outside the corporate city limits. The fact that city utility service is extended to an area outside the corporate city limits does not bring such property under the ownership or control of the city, within the meaning of this act.

* * *

Dear Mr. Herrelson:

You inquire concerning 1977 Senate Bill No. 492, ch. 84, L. 1977. Section 1(2) states thus

"Law enforcement officers employed by any city may exercise their powers as law enforcement officers anywhere within the city limits of the city employing them and outside of such city when on property owned or under the control of such city. Such officers also

Mr. George H. Herrelson, Jr.
Page Two
September 28, 1977

may exercise such powers in any other place
when in fresh pursuit of a person."


You advise that police officers of the City of Galena are responding to calls from persons who reside in areas outside but adjacent to the city limits, who are served by one or more city utilities, and you inquire whether such areas might be deemed to be "property owned or under the control" of the city, by virtue of municipal utility service extended thereto. Private residential property, such as you describe, is obviously not property which is "owned" by the city. The extension of municipal utility service to homes and businesses outside the corporate limits does not bring the property of such customers under the "control" of the city in any respect, and in my judgment, this is an entirely inadequate justification for the extraterritorial exercise of jurisdiction by the city police department.

You ask what, if any, justification there might be for city police officers responding to calls from areas outside the city limits from persons who are in immediate need of assistance when county officers are unavailable. Section 1(3) of the bill states thus:

"In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (1) or (2), law enforcement officers may exercise their powers as law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which such assistance is requested."

Any individual outside the corporate limits of the city who seeks police assistance should call the county sheriff. If that department does not have personnel available to respond to the call, they may in turn request assistance from the city police department. City police officers may then respond to a request from outside the city limits, under the authority of the request for assistance from the county sheriff's department.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj