

Police Jurisdiction in Satellite and Related Areas

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I've had several questions recently about the territorial jurisdiction of municipal police in areas outside city limits. This post sums up the law.

General rule: city limits plus one mile. The general rule is that police officers have "all the powers invested in law-enforcement officers by statute or common law within one mile of the corporate limits of the city." G.S. 160A-286.

No territorial jurisdiction in the ETJ. Cities have the authority to regulate land use up to one mile outside city limits. Under some circumstances, larger cities may have such jurisdiction two or even three miles outside city limits, and so beyond the one-mile radius that generally constrains municipal police. The area outside city limits but subject to city land-use regulations is generally called the extraterritorial jurisdiction, or "the ETJ." Authority for the ETJ is found in G.S. 160A-360, and is discussed in detail [here](#) by my colleague David Owens.

If there's a two- or three-mile ETJ, do city police have territorial jurisdiction throughout it? No. The land in the ETJ is not within the "corporate limits" of the city, which is the term used in G.S. 15A-286. Nor does G.S. 160A-360 expand officers' jurisdiction. That statute only allows cities to apply their land use and development regulations in the ETJ, as David explains [here](#).

Territorial jurisdiction exists in satellite areas. North Carolina cities don't have to be contiguous. That is to say, under certain circumstances, a city can annex a pocket or island of land that isn't connected to the main municipal territory. *See generally* G.S. 160A-58 *et seq.* These noncontiguous areas are generally called "satellite areas." Do officers have territorial jurisdiction in these areas? Yes, regardless of their distance from the main municipal territory. They are within the "corporate limits" of the city. Officers also have authority within one mile of the borders of these areas. June 2018 update: an [informal advisory letter](#) from the Attorney General's office agrees that the one mile rule applies to satellite areas.

What about hot pursuit? Under G.S. 15A-402(d), officers also have authority to pursue and arrest suspects outside the one-mile radius beyond city limits when in hot pursuit.

Other exceptions. Officers may also arrest beyond the one-mile radius when on any property owned or leased by the city, G.S. 160A-286, or on any "rights-of-way owned by the city," G.S. 15A-402(b). My colleague Bob Farb has suggested that the one-mile radius may apply around these areas as well, though the statutes do not say so explicitly and there is no case on point. Robert L. Farb, *Arrest, Search, and Investigation in North Carolina* 15 n. 21 (4th ed. 2011).

There are also local acts expanding the one-mile radius for certain cities. For example, there is a 2000-yard limit applicable to Edenton, [S.L. 1961-1013](#), and a two-mile limit applicable to Weaverville, [S.L. 1961-557](#). I'm sure there are other examples; if readers are aware of any, please say so in the comment thread.

Finally, there is expanded territorial jurisdiction for certain DWI-related offenses. *See* Robert L. Farb, *Arrest, Search, and Investigation in North Carolina* 16 (4th ed. 2011).

What happens if an officers acts outside his or her authority? If an officer makes an arrest outside his or her territorial jurisdiction, that's a statutory problem but not a constitutional one. *Cf. Virginia v. Moore*, 553 U.S. 164 (2008) (ruling that although Virginia law did not authorize arrest for misdemeanor driving with a suspended license, such an arrest did not violate the Fourth Amendment or implicate the constitutional exclusionary rule). The arrestee might still argue for suppression of any evidence obtained as a result of the arrest under the statutory exclusionary rule in G.S. 15A-974. A summary of the relevant cases, which on balance are not very favorable to the arrestee, can be found in Robert L. Farb, *Arrest, Search, and Investigation in North Carolina* 89-90 (4th ed. 2011).