

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURES

No. 910

Supersedes: NA

Effective: May 23, 2003

Page: NA Section: NA

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Dated: March 27, 2003

LEGAL AUTHORIZATION

- I. **PURPOSE:** The purpose of this policy is to designate the legal sources for the establishment of the Upper Merion Township Police Department and to provide members with guidelines on the legally mandated authority vested in sworn agency personnel.

- II. **POLICY:** It is the policy of the Upper Merion Police Department that all police officers know the scope and limits of law enforcement authority.

- III. **LEGAL AUTHORITY DEFINED:**
 - A. Upper Merion Township was established in accordance with the Act of May 1, 1933 (Pennsylvania Law 103, No. 69) cited as "The Second Class Township Code"; reenacted and amended November 9, 1995 (P.L. 350, No. 60).

 - B. The Second Class Township Code, in Article XV: Corporate Powers, Section 1506, General Powers, grants to the elected Board of Supervisors the corporate powers of Townships of the Second Class to make and adopt all such ordinances, by-laws, rules, and regulations which may be deemed necessary for proper management, care and control of the township and the maintenance of peace.
 - 1. Article XIX (Township Police) provides specifically for creating or disbanding the police force (Section 1901), the appointment of police (Section 1902), powers (Section 1905), shield (Section 1906), equipment (Section 1907) and lockups (Section 1908).

- C. The Upper Merion Police Department is a legally constituted police department of a government entity, having been organized under provisions of the Second Class Township Code, and established by act of the Township Board of Supervisors, October 6, 1931 (Minutes Book, 1927-1934, page 114).
1. As employees of a municipal police department, Upper Merion Township Police Officers are certified as "Municipal Police Officers" under L. 1974, Act 120, eff. 6/18/74, establishing the "Municipal Police Officers' Education and Training Commission" (MPOETC).
 2. Police officers who are not certified by the MPOETC are not eligible to make arrests or otherwise enforce the laws of the Commonwealth of Pennsylvania or their respective municipalities.
- D. The U.S. Constitution, Pennsylvania Constitution, Pennsylvania Rules of Criminal Procedure, and the Second Class Township Code define the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, and ordinances.
1. Each municipal police officer sworn and employed by the Police Department has the power and authority to enforce the laws of the Commonwealth of Pennsylvania as outlined in Title 42, PA.C.S.A. Section 8952(1)(2).
 2. Municipal police officers who are outside their jurisdiction shall have the power and authority to perform the functions of their office and enforce the laws of the Commonwealth of Pennsylvania as outlined in Title 42, PA.C.S.A. Section 8953 (a)(1)(2)(3)(4)(5)(6)(b)(c).

IV. **LEGAL AUTHORITY TO CARRY AND USE WEAPONS:**

- A. The legal authority to carry and use weapons by agency personnel in performance of their duties is established by the provisions of the act of June 18, 1974 (P.L. 359, No. 120)(53 P.S. Sec. 744(15)), Chapter 203
1. Section 203.13, "Certification as a municipal police officer" provides that:
 - a. The Commission will supply written verification to the applicant's employing police department upon the applicant's completion of the Commission's requirements for certification as a police officer.
 - b. Verification shall be valid only in the department identified on the document provided by the applicant. Upon termination of employment in a department, certification for that department shall be void and shall be returned to the Commission by the department.
 - c. Initial certification is valid for two years from the date of issuance. The document provided by the Commission shall contain the dates of issuance and expiration in addition to a certification number for identification purposes.

- d. Upon receipt of certification a police officer is entitled to enforce 18 Pa.C.S. (relating to the Crimes Code) and moving violations of 75 Pa.C.S. (relating to the Vehicle Code), and to carry a firearm.
- e. The Commission will issue a renewal certificate only to police officers who have satisfied the mandatory in-service training requirements set forth under Section 203,52 (relating to mandatory in-service training courses). Certification shall be renewed every two years.

APPROVED: _____ DATE: _____

APPROVED: _____ DATE: _____

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
Township Manager
File