

## Abington Township Police Department Policy and Procedure Manual

<b>Chapter:</b>	Law Enforcement Role and Authority	<b>General Order:</b>	1.2.1
<b>Section:</b>	Limits of Authority	<b>Original Date:</b>	050104
<b>Title:</b>	Legal Authority Defined	<b>Re-Issue Date:</b>	020818
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<b>Signature:</b>	<i>Patrick Molloy</i>	<b>Expiration Date:</b>	Indefinite
<b>Replaces:</b>	All Previous General Orders Relative to Subject		
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<b>CALEA Standard References:</b>	1.2.1		
<b>Pennsylvania Accreditation References:</b>	1.2.1		

### I. PURPOSE

The purpose of this general order is to provide members with guidelines on the legally mandated authority vested in sworn agency personnel.

### II. POLICY

It is the policy of the Abington Township Police Department that all sworn members know the scope and limits of law enforcement authority.

### III. PROCEDURE

- A. Section 1401 of the First Class Township Code of 1931, June 24, P.L. 1206, art. XIV, as amended, 53 P.S. Section 56401 authorizes the Township Board of Commissioners to prescribe all necessary rules and regulations for the organization of the police force.
- B. Section 1402 of the First Class Township Code of 1931, June 24, P.L. 1206, art. XIV, as amended, 53 P.S. Section 56402 authorizes the Township Board of Commissioners to designate a Chief of Police and other officers.
- C. Section 1403 of the First Class Township Code of 1931, June 24, P.L. 1206, art. XIV, as amended, 53 P.S. Section 56403 provides for the Powers of Policemen.
- D. Section 1405 of the First Class Township Code of 1931, June 24, P.L. 1206, art. XIV, as amended, 53 P.S. Section 56405, provides that the Chief of Police and policemen shall obey the orders of the Board of Commissioners or such other

person or committee as may be designated by Ordinance or Resolution of the Board for such purposes.

- E. Section 1502 of the First Class Township Code of 1931, June 24, P.L. 1206, art. V, provides the Board of Commissioners of a First Class Township with the power to establish, equip and maintain a police force and to define the duties of the same.
- F. Ordinance No. 23 of Abington Township, enacted February 21, 1907, "Police Department Establishment". An ordinance, establishing a police department to preserve the public peace, enforce the criminal laws and penal ordinances and protect the life and property of the citizens of Abington Township. The ordinance stated that the department shall consist of a Chief of Police and such police officers as may be from time to time appointed by the Board
  - 1. On 3-11-76, Ordinance No. 23 was amended and codified by Ordinance No. 1420 as Chapter 34 of the Abington Township Code
- G. As employees of a municipal police department, Abington 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).
  - 1. Under the Act, a "Police Officer" is any full or part-time employee of a city, borough, town, township, or county police department assigned to criminal and/or traffic law enforcement duties.
    - a. 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.
  - 2. Under the Act, section 2167, municipalities of the Commonwealth of Pennsylvania are required to train all members prior to their enforcing criminal laws, enforcing moving traffic violations under Title 75 or being authorized to carry a firearm.
- H. Section 6106 (b) (1) of the Pennsylvania Crimes Code authorizes police officers to carry a firearm.