

## **Chapter 54**

### **POLICE DEPARTMENT**

**[HISTORY: Adopted by the Borough Council of the Borough of Port Carbon as indicated in article histories. Amendments noted where applicable.]**



ARTICLE I  
**Creation of Department; Control**  
**[Adopted 4-8-2008 by Ord. No. 1-2008]**

**§ 54-1. Department established; personnel classifications.**

A Police Department is hereby established in and for the Borough of Port Carbon, Pennsylvania. There may be established personnel classifications or positions within said department as Lieutenant, Sergeant, patrolman, or such other positions as Council may specify and fill by appointment.

**§ 54-2. Number of employees; compensation.**

The number of persons to serve on a full-time and/or part-time basis and the compensation and benefits of such shall be determined by Borough Council from time to time by resolution.

**§ 54-3. Special policemen.**

Nothing herein contained shall affect the authority of the Mayor to appoint special policemen during emergencies.

**§ 54-4. Mayoral control.**

Said department shall be under the charge and control of the Mayor, who shall direct the time during which, the place where and the manner in which said department shall perform its duties.



ARTICLE II  
**Special School Police**  
**[Adopted 10-12-1971 by Ord. No. 211, approved 10-12-1971]**

**§ 54-5. Authorization for appointment.**

Borough Council shall appoint special school police, not to exceed three in number, for service within the Borough of Port Carbon, to serve at the pleasure of the Council.

**§ 54-6. Powers and duties.**

The special school police shall have the duty of controlling and directing traffic at or near schools within the Borough and shall have all the powers of local police officers.

**§ 54-7. Mayoral control.**

While on duty, the special school police shall be under and subject to the direction of the Mayor of the Borough of Port Carbon.

**§ 54-8. Compensation.**

The special school police shall be paid at the rate of \$5 for each day they are on duty.

**§ 54-9. Apportionment of costs.**

All costs pertaining to the aforementioned school police, including but not limited to salaries and uniforms, shall be borne jointly by the Pottsville Area School District and the Borough of Port Carbon, each to pay 1/2 of said expenses.



ARTICLE III  
**Cooperative Police Agreement**  
[Adopted 4-8-1975 by Ord. No. 242-75, approved 4-8-1975]

**§ 54-10. Authorization for agreement.**

Authorization is hereby extended for this Borough to enter into a cooperative police agreement with the Borough of Palo Alto and such other political subdivisions as may desire to become contracting parties and which are located in Schuylkill County, Pennsylvania.

**§ 54-11. Sharing of jurisdiction.**

This municipality hereby authorizes and empowers the Police Department of Palo Alto and such other political subdivisions to exercise general police jurisdiction within the confines of this Borough, and further hereby authorizes the Police Department of this Borough to provide general police services, protection and standby aid within the territorial confines of Palo Alto and such other political subdivisions, all of which shall be in accordance with and pursuant to such written agreement as shall be jointly executed by the respective municipalities.

**§ 54-12. Duration of agreements.**

The cooperative police agreement hereby authorized may be perpetual or for such term as may be designated by the respective contracting municipalities, but in any event shall contain a provision authorizing each municipality to withdraw therefrom upon 30 days' written notice to each of the other municipalities.

**§ 54-13. Purpose.**

The purpose and other objectives of the cooperative police agreement shall be to make available and to better enable each municipality to provide continuing police protection within the territorial confines of the contracting municipalities and to increase the ability of each municipality to preserve the peace, dignity and safety of its citizens.

**§ 54-14. Financial responsibility; insurance.**

No additional financial burden shall be placed upon any of the participating municipalities as a result of the execution of the cooperative police agreement, and each municipality shall remain financially responsible for providing its own equipment and employees. During the term of the cooperative police agreement hereby authorized, each municipality shall maintain in full force and effect extended public liability, property damage and automobile liability and property damage insurance for its activities thereunder and workmen's compensation coverage for its employees while acting pursuant thereto.

**§ 54-15. Organizational structure not affected.**

The organizational structure of the police department of each municipality shall remain as it existed prior to entering into the cooperative police agreement, except that, where the police department of one contracting municipality renders assistance in another

municipality, it shall come under the supervision of the police department of the assisted municipality.

**§ 54-16. Responsibilities of participating municipalities.**

Each participating municipality shall be responsible for the acquisition, management or disposition of any property, real or personal, which may be necessary in conjunction with the execution of its duties pursuant to the cooperative police agreement hereby authorized.

**§ 54-17. Filing of copy.**

Upon execution of the police cooperative agreement hereby authorized, a copy thereof shall be filed with the Secretary of this Borough, and upon request it shall be made available for public inspection at reasonable times.



ARTICLE IV  
**Warrantless Arrests**  
[Adopted 5-13-1997 by Ord. No. 4-97]

**§ 54-18. Statutory authority.**

Borough police shall be empowered and make warrantless arrests for summary offenses under 42 Pa.C.S.A. § 8902(a)(1).

**§ 54-19. Established procedure to be followed.**

Borough police shall follow the procedure for warrantless arrests as essentially set forth in Pennsylvania Rule of Criminal Procedure 102.

**§ 54-20. Procedure.**

The procedure for warrantless arrests shall be as follows:

- A. Except as provided in Subsection B, when a defendant has been arrested without a warrant in a court case, a complaint shall be filed against the defendant and the defendant shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay.
- B. When the arresting officer deems it appropriate, the officer may promptly release from custody a defendant who has been arrested without a warrant rather than taking the defendant before the issuing authority, when the following conditions have been met:
  - (1) The most serious offense charged is a misdemeanor of the second degree;
  - (2) The defendant is a resident of the commonwealth;
  - (3) The defendant poses no threat of immediate physical harm to any other person or to himself or herself;
  - (4) The arresting officer has reasonable grounds to believe that the defendant will appear as required; and
  - (5) The defendant does not demand to be taken before an issuing authority.
- C. When a defendant is released pursuant to Subsection B, a complaint shall be filed against the defendant within five days of the defendant's release. Thereafter, a summons, not a warrant of arrest, shall be issued and the case shall proceed as provided in Rule 110.

