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WORKING PAPER

ANALYSIS AND CLASSIFICATION OF  
LAW ENFORCEMENT OFFICERS IN PENNSYLVANIA

Local Government Commission  
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August, 1979



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## INTRODUCTION

Pennsylvania's statutes make reference to no less than 80 titles for law enforcement officers. With such an abundance of names and officers, confusion is likely to arise, and indeed, it is rampant in this policy area. For example, the name "Special Police" is used with different meanings in first class townships and boroughs. Occasionally, two names are given for the same office, such as "Attendance Officer" and "Home and School Visitor" (commonly called "Truant Officer"). Some offices employ different names in statutes and common usage, as in the case of "Special School Police" and "School Crossing Guards." Frequently, the law itself is unclear, illustrated by the law entitled "Providing for Fire Police," which always refers to "Special Fire Police." Several laws are archaic, an example being the Erie-Crawford State Police, who have the duty of catching horse thieves in certain counties.

The issues have become more unclear since the enactment of the Lethal Weapons Training Act<sup>1</sup> and the establishment of the Municipal Police Officer's Education and Training Commission<sup>2</sup>. Serving also to becloud the issue has been the question of liability. Lines of responsibility and authority have become a source of controversy, especially in cases where officers are under the jurisdiction of different officials under different situations.

The Local Government Commission has undertaken the task of studying the multiplicity of laws of the Commonwealth regarding law enforcement officers. Our hope is to provide positive recommendations and uniform standards in this area.

In making these recommendations, the responsibilities of law enforcement officers have been considered to be of the utmost importance. The goals of this project were to research and clarify the powers, duties, and responsibilities of law enforcement officers, and to recommend changes without significantly restricting the ability of those officers to perform their assigned duties. There has been no attempt to include every subject which may be relevant to the policy area of law enforcement officers due to the limited scope of our research.

It is the opinion of the staff that this report is important for the reasons previously mentioned. We feel that this report is badly needed to alleviate the present unclear situation.

## UNIT 1 - THE FINDINGS IN PENNSYLVANIA

Pennsylvania's statutes concerning law enforcement officers are not found in a single grouping, but rather, they are spread about in many areas of law. The intent of this section is to attempt to illustrate the varied powers and responsibilities of these officers.

Table 1 lists the municipalities and other jurisdictions in which the officers are authorized by law to act.

Tables 2, 3 and 4 list the powers of the law enforcement officers with which we were concerned. The listed powers were chosen to illustrate the major differences between officers, and also to illustrate some of the problems which were discovered during the research phase of the project.

(Please note that the term "Local Police" in the charts also includes "County Police", as well as the police at the municipal level. Also, except for the categories "Investigative Function," "Security Function," and "No Set Term of Office," a check in the appropriate box indicates that the law specifically authorizes the officer to exercise the power indicated.)

TABLE 1  
OFFICERS IN MUNICIPALITIES

	First Class Township						Second Class Township					
	Third Class City			Borough			School District			Authority		
	Second Class A City		Town	Second Class City		Town	State		County		Private	
	First Class City	Second Class City		First Class City	Second Class City		State	County	Private			
Forest Fire Warden								X				
State Police								X				
Campus Security Police								X				
Game Protector/Deputy Game Protector								X				
Waterways Patrolman/Deputy/Special								X				
Cemetery Guard										X		
School Police							X					
Special School Watchman							X					
Night Watchman									X			
Real Estate Nightwatchman										X		
Non-profit Corporation Guard										X		
Building Guard									X	X		
Industrial Police										X		
Private Police & Watchman in Philadelphia	X									X		
Bank Police									X	X		
Payroll Police									X	X		
Railroad Police										X		
Street Railroad Police										X		
Agricultural or Horticultural Exhibit Police										X		
Retailer's Agent										X		
Watchman									X			
Conductor or Person Having Charge of Carrier										X		
Erie-Crawford State Police										X		
Bodyguard										X		
Fire Police									X			
Special Fire Police	X	X	X	X	X	X	X					
Special School Police		X		X			X	X				
Special Police (first class townships)							X					
Special Police (boroughs)					X							
Local Police	X	X	X	X	X	X	X			X		
Matron	X	X										
High Constable/Constable/Deputy		X	X	X	X	X	X					
Sheriff/Chief Deputy/Deputy/Real Estate Deputy										X		
Auxiliary Police					X							
Special Patrolman	X											
Extra Policeman	X											
Additional Policeman	X											
Reserve Police	X	X	X	X	X	X	X					
Sanitary Police				X								
Special Policeman (second class cities)		X										
Park Police				X						X		
Park Guards				X								
Municipal Authority Police								X				
Housing Authority Police (second class cities)		X										
Coroner										X		
County Controller										X		
Health Officer					X					X		
Mayor (second class A cities)			X									
Road Caretaker										X		
County Commissioner (second class counties)										X		
County Treasurer										X		
Township Auditor							X	X				
Attendance Officer								X				
Home and School Visitor								X				
Humane Society*											X	
Special Officer											X	
Private Detective											X	
County Detective											X	
Special County Detective											X	
Desertion Probation Officer										1		
Parking Meter Enforcement Agent		X			X							
Fire Marshal	X			X								
Tree Warden				X			X	X				
Forester				X			X	X				
Inspector of Registration	X	X	X		X	X	X					
Warden/Deputy/Assistant/Sheriff Guard									X	X		
Matron									X	X		
Turnkey									X	X		
Keeper									X	X		
Overseer									X	X		
Underkeeper									X	X		
Delaware River Bridge Police								X				
Delaware River Port Authority Police								X				
Commissioners - River Delaware and its Tributaries								X				
Special Investigator	X											
Landlord and Tenant Officer	X											
Dog Law Enforcement Officer									X			

\*A society for the prevention of cruelty to animals, children, or the aged, which is recognized by the State.

## EXPLANATION OF TABLE 2

Search without warrant means the examination of a person or property, with probable cause with a view to the discovery of contraband or illicit or stolen property, or some other evidence of guilt to be used in the prosecution of a criminal action for some crime or offense with which an individual is charged.<sup>1</sup>

Serve and execute search warrants means the examination of a person or property, pursuant to an order of the court, with a view to the discovery of contraband or illicit or stolen property, or some other evidence of guilt to be used in the prosecution of a criminal action for some crime or offense with which the individual is charged.<sup>2</sup>

Serve a subpoena means the delivering to or leaving of a subpoena with the party to whom or with whom it ought to be delivered or left.<sup>3</sup>

Serve and execute all processes means the officer has the authority to deliver or leave any court order, writ, summons, etc., to whom or with whom they ought to be delivered or left.<sup>4</sup>

Arrest for certain violations means that the officer is authorized to make arrests only for violations of certain laws. For example, a conductor or person having charge of a carrier may only make arrests for the illegal possession of firearms or explosives on the carrier.

Arrest with warrant means the officer may take custody of another person pursuant to a court action.

Arrest without warrant means that the officer is authorized to take custody of another person, if that individual has committed a violation in the sight of the officer, or if the officer has probable cause to believe such a violation has occurred.

Police powers necessary for duty means that the officer has the authority to exercise any power of a police officer which the officer deems needed to successfully perform his assigned tasks.

Security function means that an officer's primary responsibility is to guard real or personal property.

Investigative function means that an officer's primary responsibility is the examination by inquiry or interrogation to determine if a violation has occurred. If a violation has occurred, he shall attempt to find the accused for purposes of arraigning him before a judge or magistrate.

TABLE 2  
POWERS OF SEARCH AND ARREST

	Search without warrant	Serve and execute search warrant	Serve a subpoena	Serve and execute all processes	Arrest for certain violations only	Arrest with warrant	Arrest without warrant	Police powers necessary for duty	Security function	Investigative function
Forest Fire Warden										
State Police	X	X	X	X	X	X	X		X	
Campus Security Police								X		
Game Protector/Deputy Game Protector	X	X	X		X	X	X			
Waterways Patrolman/Deputy/Special	X		X		X	X	X			
Cemetery Guard					X			X		
School Police								X		
Special School Watchman								X		
Night Watchman						X		X		
Real Estate Nightwatchman								X		
Non-profit Corporation Guard						X		X		
Building Guard								X		
Industrial Police						X		X		
Private Police & Watchman in Philadelphia								X		
Bank Police								X		
Payroll Police								X		
Railroad Police						X		X		
Street Railroad Police								X		
Agricultural or Horticultural Exhibit Police								X		
Retailer's Agent								X		
Watchman								X		
Conductor or Person Having Charge of Carrier				X						
Erie-Crawford State Police				X						
Bodyguard										
Fire Police									X	
Special Fire Police									X	
Special School Police										
Special Police (first class townships)										
Special Police (boroughs)	X	X	X	X		X	X		X	
Local Police (includes county police)	X	X	X	X		X	X		X	
Matron										
High Constable/Constable/Deputy		X	X	X		X	X		X	
Sheriff/Chief Deputy/Deputy/Real Estate Deputy		X	X	X		X	X		X	
Auxiliary Police										
Special Patrolman										
Extra Policeman										
Additional Policeman										
Reserve Police										
Sanitary Police										
Special Policeman (second class cities)										
Park Police							X			
Park Guards										
Municipal Authority Police							X			
Housing Authority Police (second class cities)								X		
Coroner										
County Controller										
Health Officer				X						
Mayor										
Road Caretaker						X				
County Commissioner (second class counties)					X					
County Treasurer										
Township Auditor				X						
Attendance Officer					X				X	
Home and School Visitor					X				X	
Humane Society*	X								X	
Special Officer									X	
Private Detective									X	
County Detective									X	
Special County Detective									X	
Desertion Probation Officer									X	
Parking Meter Enforcement Agent									X	
Fire Marshal									X	
Tree Warden									X	
Forester						X				
Inspector of Registration				X		X			X	
Warden/Deputy/Assistant/Sheriff										
Guard										
Matron										
Turnkey										
Keeper										
Overseer										
Underkeeper										
Delaware River Bridge Police							X			
Delaware River Port Authority Police							X			
Commissioners - River Delaware and its Tributaries										
Special Investigator									X	
Landlord and Tenant Officer									X	
Dog Law Enforcement Officer	X			X						



### EXPLANATION OF TABLE 3

Administers county prison means that the officer is or may be the administrative head of a county institution for the punishment, rehabilitation, or confinement of persons in custody of the state for violations of law, or persons being held in custody prior to or during trial for such a violation.

Required to be at polls means that the officer must be present at the voting site at the time of an election.

Able to preserve order at polls means that the officer may only approach the actual voting site at the time of an election in order to preserve the peace.

Liquor control in counties means that the officer is responsible for searching for and arresting persons involved in the sale and trafficking of liquor in Susquehanna, Pike, Luzerne, Erie and Crawford Counties.

Eject persons improperly or disorderly on grounds means that the officer may remove persons acting in an improper or disorderly manner from the premises.

Substitute for Special School Police means that the officer may perform the duties of a Special School Police Officer, if for any reason, such an officer cannot or will not perform his duties.

Care for women and children prisoners means that the officer's primary responsibility is to receive, search, and care for women and children who are taken into custody.

Traffic control means that the officer's primary responsibility is to direct the flow of pedestrians and motor vehicles.

Seize fireworks means that such an officer is charged with the responsibility of confiscating fireworks.

Seize and kill animals means that the officer is authorized to take and, if necessary, humanely dispose of animals.

Transfer prisoners means that the officer is empowered to take custody of a convicted violator in order to extradite said offender from one penal institution to another.



#### EXPLANATION OF TABLE 4

Power of a constable means that the officer is authorized to exercise the power of a constable, either in full or in only one respect. For example, a police officer has all the powers of a constable, whereas a Deputy Game Protector may only have the power of a constable to collect fees.

Power of local police means that the officer is authorized to exercise the power of a local police officer either in full or in only one respect. For example, a Campus Security Police Officer has all the powers of a police officer, whereas a Cemetery Guard only has the power of a police officer in enforcing cemetery laws.

Power of police in first class cities means that the officer is authorized to exercise the full powers of a police officer in the City of Philadelphia.

Department of Education training means that the officer's training is provided by the Department of Education.

Lethal Weapons training means that the officer is subject to training pursuant to the Lethal Weapons Training Act.<sup>5</sup>

Trained by employing agency means that the employing body is responsible for the training of the officer.

Municipal Police Officer's training means that the officer is subject to training pursuant to the Municipal Police Officer's Education and Training Act.<sup>6</sup>

Badge means that an officer must have a badge on his person while on duty.

Uniform means that a standardized set of articles of clothing and accessories, not including a firearm, is worn, which indicates the officer's status as a law enforcement officer.

Firearm means that the officer is authorized to carry and use a firearm in the line of duty.

License means that the officer must procure a license from the proper authority before commencing his law enforcement duties.

Bond means that the officer must be appropriately bonded before commencing his law enforcement duties.

Set term of office means that the officer holds office for a pre-determined period of time, either set by law or in the commissioning of the officer. The term may be renewable, as in the case of a sheriff who is re-elected.

No set term of office means that there exists no pre-determined limitation on the time period for which the officer exercises his powers and duties.

Emergency only means that the officer possesses law enforcement powers and duties only in times of crisis or distress as proclaimed by the proper source of authority.

TABLE 4  
BROAD POWERS, TRAINING AND NEEDS

	Power of a constable	Power of local police	Power of police in first class cities	Department of Education training	Lethal Weapons training	Trained by employing agency	Municipal Police Officer's training	Badge	Uniform	Firearm	License	Bond	Set term of office	No set term of office	Emergency only
Forest Fire Warden	X							X							X
State Police	X	X						X	X	X					X
Campus Security Police		X	X												X
Game Protector/Deputy Game Protector	X					X		X		X					X
Waterways Patrolman/Deputy/Special						X		X	X	X					X
Cemetery Guard		X													X
School Police	X							X							X
Special School Watchman															X
Night Watchman			X												X
Real Estate Nightwatchman															X
Non-profit Corporation Guard		X													X
Building Guard										X					X
Industrial Police										X					X
Private Police & Watchman in Philadelphia		X													X
Bank Police										X					X
Payroll Police										X					X
Railroad Police								X							X
Street Railroad Police		X						X							X
Agricultural or Horticultural Exhibit Police	X												X		
Retailer's Agent															X
Watchman															X
Conductor or Person Having Charge of Carrier															X
Eric-Crawford State Police			X												X
Bodyguard															X
Fire Police															X
Special Fire Police		X						X							X
Special School Police		X						X	X						X
Special Police (first class townships)								X	X						X
Special Police (boroughs)															X
Local Police (includes counties)	X	X	X				X	X	X	X					X
Matron		X													X
High Constable/Constable/Deputy	X											X	X		
Sheriff/Chief Deputy/Deputy/Real Estate Deputy										X		X	X		
Auxiliary Police		X													X
Special Patrolman															X
Extra Policeman															X
Additional Policeman															X
Reserve Police		X													X
Sanitary Police															X
Special Policeman (second class cities)															X
Park Police		X													X
Park Guards															X
Municipal Authority Police															X
Housing Authority Police (second class cities)															X
Coroner															X
County Controller															X
Health Officer		X								X					X
Mayor															X
Road Caretaker	X							X							X
County Commissioner (second class counties)															X
County Treasurer															X
Township Auditor															X
Attendance Officer				X											X
Home and School Visitor				X											X
Humano Society*															X
Special Officer															X
Private Detective								X		X					X
County Detective	X	X					X	X		X					X
Special County Detective	X	X											X		X
Desertion Probation Officer															X
Parking Meter Enforcement Agent															X
Fire Marshal															X
Tree Warden		X													X
Forester															X
Inspector of Registration															X
Warden/Deputy/Assistant/Sheriff Guard												X			X
Matron															X
Turnkey															X
Keeper															X
Overseer															X
Underkeeper															X
Delaware River Bridge Police	X							X	X						X
Delaware River Port Authority Police															X
Commissioners - River Delaware and its Tributaries	X	X											X		
Special Investigator															X
Landlord and Tenant Officer	X														X
Dog Law Enforcement Officer															X

## UNIT 2 - THE SITUATION IN OTHER STATES<sup>1</sup>

In order to compare current police practices across the nation, several states were surveyed about law enforcement officers and operations. These states were chosen because of their similarities to Pennsylvania in such areas as size, population, and urban-rural population distribution. The following is a summary of statutory provisions in these states.

1. Texas. At the county level, sheriffs are authorized to possess complete police power. They may be the administrative head of a jail, and are also allowed to appoint deputies. Constables are county officers, with a minimum of four constables in each county. They are general law enforcement officers, who sometimes have extensive investigatory powers, but sometimes only serve the papers of the court.

At the local level, marshals are elected for each village, but most cities have a police department, which includes a chief of police.

In the private sector, private detectives and security guards have no police powers.

A peace officer is defined as any officer who enforces any law.

Texas requires 240 hours of training for police officers. Seventy hours of training is required of unpaid reserve officers, but no part-time police are employed in the State.

*Texas relies heavily on the office of the county sheriff. Although Pennsylvania no longer utilizes the office of marshal, it is a common and important law enforcement office in the State of Texas.*

2. Illinois. The "County Police" in Illinois consists of the sheriff and his deputies, who are responsible for county law enforcement. Forest Preserve Police are considered a part of the sheriff's office.

At the local level, police have full law enforcement powers, but in large cities, some officers appear to be limited to investigative functions only. Municipalities may promulgate rules for Auxiliary Police, and may also employ part-time police. In most cases, Park Police are a part of the municipal police force. Unincorporated areas are policed by the county sheriff and the State Police.

The Chicago Transit Authority Police have powers on the lines and property of the Authority, and possibly are the only Authority Police in the State. Traffic Wardens are civilians used to control and direct the flow of traffic.

There are no uniform police training requirements for the State of Illinois.

*Illinois relies heavily on the sheriff's office, and attempts to remove local police from traffic duties. No constables are employed in the State.*

3. Ohio. The county sheriff and his deputies have full police powers.

At the township level, constables are authorized to exercise full police powers, and they may also be police officers. Municipalities promulgate rules on Auxiliary and Reserve Police, as well as part-time police. Park Police are employed in the metropolitan parks, and sometimes they are a separate force from the metropolitan police. School Crossing Guards seem to be primarily limited to traffic control, and they possess only limited authority.

Since most public authority property is protected by private security guards, it is unclear if public authority police are authorized. Both private detective and security guard activities are regulated by the State.

Uniform training requirements call for about 240 hours of training for full time police. There appears to be no clear training requirements for part-time police.

*The State of Ohio appears to enact general laws authorizing police forces and actions, but seems to delegate some degree of decision-making power to the municipalities.*

4. Michigan. The State Police in Michigan possess full police powers, and are not limited to Vehicle Code enforcement. Enforcement officers for the State Department of Environmental Resources must be trained as police officers.

In counties, the sheriff appears to be the primary law enforcement officer. Authority police seem to be limited to a security guard function. Reserve or Auxiliary Police appear to be terms used for part-time police officers who serve on an irregular basis. They have limited power, and are not subject to regular police training requirements. A part-time police officer serving on a regular basis is considered to have full police power, and so must be trained as a full time police officer. A School Crossing Guard has no police powers.

Railroad and Park Police are used in certain designated areas, and possess only limited powers. Special Police appears to be a term synonymous with Security Guard. Private security officers must be licensed and undergo approximately three weeks of training.

*Michigan seems to have attempted to define the differences between full and part-time police.*

5. New York. At the county level, New York's law enforcement officers include Sheriffs, Deputy Sheriffs, Chief Deputy Sheriffs, Emergency Special Deputy Sheriffs, and Undersheriffs.

At the municipal level, the local police force may include a Police Matron, who has duties similar to matrons used in Pennsylvania. Special Police are used for special functions and are temporary officers. A full time policeman and a part-time policeman are required to undergo the same amount of training in the state. A Fire Police Squad appears to be a team that acts similarly to Pennsylvania's Special Fire Police. When a municipality establishes a police force, the office of constable is abolished.

Railroad police are private employees who are authorized to exercise certain law enforcement duties.

*New York appears to be in a similar position to Pennsylvania with regard to the variety of police classifications. However, constables are eliminated when a municipal police force is established.*

6. California. The State Police are a total law enforcement agency, but the California Highway Patrol is only responsible for enforcement of the vehicle code.

In addition to the local police force, Reserve or Auxiliary Sheriffs, Deputy Sheriffs, and Police are authorized, and they are assigned to specific police functions for the limited time they hold office.

State statutes also authorize certain other peace officers, whose power extends statewide. They include Railroad and Steamship Police, Park District Police, and Airport Police.

California is very specific about the powers of a private citizen to make an arrest.

There are uniform training requirements for the State, but different training programs are designed for officers with different responsibilities.

*California also has done a study on the responsibilities, duties and jurisdictions of peace officers. However, no recommendations for the classification of peace officers have been implemented to date.*



### UNIT 3 - RECOMMENDATIONS

1. In order to clarify the powers and duties as well as the differences and similarities among the multitude of law enforcement officers in the Commonwealth, the staff found it practical to classify the officers into groupings. A classification of this nature should decrease the number of different officers, and hopefully create order out of chaos.

Before we begin to recommend any codification, we wish to emphasize some important details. First, in this report, we are intentionally omitting several classes of law enforcement officers. One such class is that group of officers which has law enforcement powers because of status in military or civil defense forces. Another class is that group of officers given power through direct employment by the Commonwealth; such as Liquor Control Board agents. We have included only those state employees who have a direct impact at the local level. We also wish to avoid the class of officers comprised of individual private persons<sup>1</sup>.

It should also be remembered that the power to prescribe rules for officers and all others serving process or enforcing orders, judgments, or decrees of the courts, rests in the Pennsylvania Supreme Court.

Many things are not included in this classification because they are not germane to the topic. For example, only certified and trained police are permitted to use breath analyzers and electronic surveillance equipment.

The type of classification we are using is unique. Prior to this time, classification of Pennsylvania's law enforcement officers has only been distinguished by number of years of service and by rank in a police force.

Our method of classification is as follows:

#### DEFINITIONS:

"Arrest" shall mean the taking, under real or assumed authority, custody of another for the purpose of holding or detaining him to answer a criminal charge or civil demand<sup>2</sup>.

"Citation" shall mean an order issued or served by a law enforcement officer of competent jurisdiction demanding payment of a fine for a violation of law.

"Execute process" shall mean the performing of the commands of the writ, summons, rule, etc., by the officer serving such process<sup>3</sup>.

"Law enforcement officer" for the purposes of this report shall mean any person who by virtue of his office or public employment is vested by law with a

duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.<sup>4</sup>

"Private detective" shall mean and include any person engaged in the business of investigator for a private agency, or the business of watch guard, or patrol agency.<sup>5</sup>

"Proper identification" shall mean a card or other official form, which is of pocket size, which may include a photograph of the individual, and indicates the class of law enforcement officer for which the individual is authorized to act. A form of proper identification shall not be required of persons who are directed to wear a uniform.

"Search" shall mean an examination of a man's house or other buildings or premises, or of his person, with a view to the discovery of contraband or illicit or stolen property, or some other evidence of guilt to be used in the prosecution of a criminal action for some crime or offense with which he is charged.<sup>6</sup>

"Seizure" shall mean the act performed by a law enforcement officer, under the authority and exigence of a writ, in taking into the custody of the law the property, real or personal, of a person against whom the judgement of a court of jurisdiction has passed, condemning him to pay a certain sum of money, in order that such property can be sold, by authority and due course of law, to satisfy the judgement. Or the act of taking possession of goods in consequence of a violation of public law.<sup>7</sup>

"Service of process" shall mean the delivering to or leaving of writs, summonses, rules, etc. with the party to whom or with whom they ought to be delivered or left. Usually a copy only is served, and the original is shown.<sup>8</sup>

"Uniform" shall mean a standardized set of articles of clothing and accessories, with the exception of a firearm, which indicates an individual's status as a law enforcement officer. All uniforms shall include a badge which denotes the particular class of law enforcement officer.

All liabilities and responsibilities resulting from the use of any type of law enforcement officer shall be borne by the employer, unless injury or damage is caused by actual fraud, actual malice, willful misconduct, or a criminal act, as governed by municipal and corporate law.

All law enforcement officers not employed by a government entity who are authorized to carry and use a firearm in the line of duty, shall be registered

with the appropriate body or agency. The said body or agency shall, from time to time, promulgate such regulations as may be necessary for the effective enforcement of our recommendations.

Class A, Security Officer

Duty--to protect and defend persons and property upon the grounds, premises, and property of the employer, from any danger of damage or destruction, regardless of whether that threat originates on the said property, or is viewed within such close proximity that danger appears imminent; and whose duty it is also to enforce the regulations and laws concerning the property of the employer.

Powers--to arrest within the jurisdiction stated above, for violations committed within his sight, or when, in the judgement of the officer, there is probable cause that a violation has occurred. He may eject from the property any person improperly upon the grounds, premises, or property; and also may eject persons guilty of disorderly conduct upon the property, premises, or grounds. A Class A, Security Officer has no authority to serve and execute processes of any kind; nor search any thing or person, unless such thing or person is upon the grounds, premises, or property within which the Class A, Security Officer holds his power, and in the judgement of the officer, there is probable cause that a violation has occurred.

Uniform--a Class A, Security Officer may wear an appropriate uniform, as directed by the employer, which shall include a badge, worn in plain and visible view, indicating that the individual is an authorized Class A, Security Officer. A Class A, Security Officer may carry a billyclub and/or other implements of defense, including a firearm, if so directed by the employer.

Training--a Class A, Security Officer, if authorized to carry and use a firearm, shall successfully complete an approved firearms training course, and any other training course which may be required.

Classification--no person acting as a Class A, Security Officer shall be classified or considered to be a member of a police force.

NOTE: includes officers statutorily referred to as:

1. CEMETARY GUARD - 1873, Act 45, Section 1  
County Code Section 1212
2. SCHOOL POLICE - 1949, Act 14, Section 778
3. SPECIAL SCHOOL WATCHMAN - 1949, Act 14, Section 510.1
4. NIGHT WATCHMAN - County Code Section 1212

5. REAL ESTATE NIGHTWATCHMAN - 1895, Act 248
6. NON-PROFIT CORPORATION GUARDS - (badge calls them "Special Officer")  
Second Class County Code Section 4214  
22 PS 501
7. BUILDING GUARDS - Second Class County Code Section 1518
8. INDUSTRIAL POLICE - 38 PS 15 and 16
9. PRIVATE POLICE AND WATCHMAN COMMISSIONED IN PHILADELPHIA - 1870, Act 1166
10. BANK POLICE - County Code Section 1212  
18 CPSA 6106
11. PAYROLL POLICE - County Code Section 1212  
18 CPSA 6106
12. RAILROAD POLICE - 38 PS 31-36
13. STREET RAILROAD POLICE - 1901, Act 246
14. AGRICULTURAL OR HORTICULTURAL EXHIBIT POLICE - 1883, Act 13
15. RETAILERS AGENT - 18 CPSA 3929
16. WATCHMAN - County Code Section 2326
17. CONDUCTOR OR PERSON HAVING CHARGE AND CONTROL OF A TRAIN OR CARRIER  
OF FREIGHT AND/OR PASSENGERS - 18 CPSA 6161
18. ERIE-CRAWFORD STATE POLICE - 1872, Act 1109  
SHALL CONTINUE TO BE CALLED ERIE-CRAWFORD STATE POLICE
19. BODYGUARD - little clear material exists

## Class B, Traffic Officer

Duty--to control traffic and crowds in a particular jurisdiction. The duty of a traffic officer is strictly limited to controlling and directing the flow of vehicular and pedestrian traffic within his particular jurisdiction.

Powers--no power of a peace officer beyond the ability to control and direct the flow of pedestrian and vehicular traffic, and issue citations for disregarding authority. He shall have no authority to arrest, to search, to serve and execute process or otherwise to act as a peace officer.

Uniform--a uniform shall be worn, as directed by the employer, as well as a badge indicating that the individual is a traffic officer. No traffic officer shall be permitted to carry and use a nightstick or a firearm in the course of his duty.

Training--Class B Traffic Officers shall complete any training program which may hereunto or hereafter be required.

Classification--no Class B, Traffic Officer shall be considered to be a member of a police force.

Jurisdiction--Class B, Traffic Officers of all jurisdictions may be used in any municipality. All traffic officers shall register with the municipality in which they shall serve. Such registration shall indicate for which jurisdiction he is responsible:

(1) Fires.

Such an officer is a nominated member of a volunteer fire company, approved by the governing body of a municipality. He has powers at, near, going to, or coming from, fires.

(2) Schools.

Such an officer is appointed by a school district, and confirmed by the governing body of a municipality. He has powers at or near schools.

(3) Special events.

Such an officer is employed by a government entity to perform his duties at or near churches, parades, athletic events, carnivals, and at any other such occasion which the government entity may request.

(4) Specific areas.

Such an officer is hired to perform duties under specific circumstances, such as at plant-gates and at highway construction sites. Those persons

performing at highway construction sites must be approved and registered with the Pennsylvania Department of Transportation and shall not be required to wear a uniform and badge as noted above.

NOTE: includes officers statutorily referred to as:

1. FIRE POLICE - County Code Section 1212  
1937, Act 324, Section 7
2. SPECIAL FIRE POLICE - 1941, Act 74  
Third Class City Code Section 2108  
Borough Code Section 1202(35)
3. SPECIAL SCHOOL POLICE - 1949, Act 14, Section 510  
1961, Act 634  
Third Class City Code Section 2010  
Borough Code Section 1127
4. SPECIAL POLICE (*in first class townships, also adds new material in section (4)*) - First Class Township Code Section 1416

## Class C, Peace Officer

Duty--to enforce the general laws of the Commonwealth and to carry out such actions as the Court may require.

Powers--a Class C, Peace Officer shall have full, general police powers, which shall include, but not be limited to, the authority to serve and execute process; to arrest without warrant upon probable cause all persons committing an offense against the Commonwealth; to enforce all general laws and regulations instituted by the Government of the United States, the Commonwealth of Pennsylvania, and the municipality. Peace officers may also act as, and possess all the powers of, security officers, traffic officers, restricted area officers, investigative officers, and policy enforcement officers.

Uniform--an appropriate uniform may be worn, as directed by the employing unit. A peace officer shall be permitted to carry and use a firearm and such other instruments of defense as the employer sees fit to require.

Training--no Class C, Peace Officer shall carry and use a firearm in the course of his duties prior to successful completion of an approved firearms training course. He shall also be subject to successful completion of any other training courses which may be required by the Commonwealth or municipality.

### Types--

(1) A Police Officer is a peace officer who is primarily concerned with the prevention and detection of crime in a municipality in which he is employed. He shall be under the jurisdiction of the Chief Executive Officer or his designee, as the case may be. A police officer may not hold any elective public office except as provided by law. He may collect no compensation for his services other than his salary. A matron is a police officer in first and second class cities who receives, searches and cares for women prisoners.

(2) A constable is a peace officer elected in each ward of a city, borough, town or township, with the exception of Philadelphia County, for a term of six years. He is primarily an officer of the court, and does such actions as the court may direct. A constable collects fees for the services he performs. A constable shall be present at the polls at the time of an election. A Deputy Constable may be appointed, if the workload warrants such extra assistant or assistants, or if the constable is unable to perform his duties due to absence



or disability. He serves only as long as the appointing constable holds office. A constable shall be an ex-officio forest fire warden. A constable shall be appropriately bonded before taking office.

(3) A sheriff is a peace officer elected for a county. His term of office shall be four years. He is the chief court officer at the county level, and he performs those duties which the court may direct. He may also serve as the warden of the county jail, as provided by law. He shall appoint a Chief Deputy Sheriff, who has the full power to act in the sheriff's stead in case of absence or disability. A sheriff may also appoint such Deputy Sheriffs as he may deem necessary, subject to the approval of the court. A deputy may handle the sale of property and the distribution of proceeds from such sales, but shall only be known as a Deputy Sheriff. A sheriff may transfer prisoners from prisons. He shall be appropriately bonded before taking office, as shall his deputies.

1. General police laws--

Third Class City Code Section 2201-2010  
Borough Code Section 1121-1137  
First Class Township Code Section 1401-1416  
Second Class Township Code Section 590-599A  
County Code Section 1210-1211  
Second Class County Code Section 1501-1525

2. Matron--

1889, Act 213  
County Code Section 2328

3. Constable--

1834, Act 247, Section 109 and 112  
1897, Act 7  
1970, Act 2  
1937, Act 320, Section 112  
1943, Act 280

4. Deputy Constable--

1923, Act 348  
1913, Act 342

5. Sheriff--

1874, Act 46  
1913, Act 816  
County Code Section 1201-1215, 420, 433, 434, 1260, 1249, 405

6. Real Estate Deputy--

1929, Act 158  
County Code Section 1204

7. Deputy Sheriff--

1877, PL 36  
1879, PL 38

1923, Act 221  
1924, Act 94  
1927, Act 483  
1931, Act 312  
1937, Act 324, Section 7

8. Chief Deputy Sheriff

1887, PL 185  
1921, PL 579  
1921, PL 840  
1923, PL 349

NOTE: end use of terms "high constable" and "Real Estate Deputy Sheriff."

NOTE ALSO: substitute for definition listed in 18 CPSA 501.

## Class D, Emergency Officer

Duty--to assist a municipality in the enforcing of laws and ordinances in times of emergency, following his appointment by the chief executive officer of the municipality.

Powers--all the power and authority granted by law to peace officers for the temporary period of emergency during which a Class D, Emergency Officer has power.

Uniform--during periods of service, such an officer shall wear the uniform and accessories of a police officer in the municipality, including badge. However, no Class D, Emergency Officer shall carry and use a firearm unless he has successfully completed an approved firearms training course.

Training--a Class D, Emergency Officer need not be trained as a peace officer. However, when possible, a municipality may give preference to trained personnel in appointing Class D, Emergency Officers. An officer trained in the use and handling of firearms may carry and use such a weapon in the line of duty.

Jurisdiction--any Class D, Emergency Officer shall be authorized to exercise his powers throughout the municipality for which he was appointed. If requested by the governing body of an adjoining municipality, such an officer may also possess and exercise his power in that municipality subject to the control of the chief of police in that municipality, or if none, the chief executive officer.

Justification--Class D, Emergency Officers may justifiably be appointed for the following reasons:

(1) A time of emergency, as determined by the governing body of a municipality. Such officers may be new, or retired members of the police force who are reactivated. They are subject to the control of the chief of police, or, if none, to the chief executive officer. He shall serve for the period of the emergency for a maximum of 30 days, unless the governing body approves an extension of 30 days. In no case shall such an officer serve for more than 90 days in any one calendar year. Such an officer may be used in any municipality.

(2) A situation in which the Board of Health in a third class city holds the opinion that the public health of the city requires such police to be employed. Such an officer may be new, or a member of the police force on detail. He serves at the direction of the Board of Health. There shall be no permanent such police force unless city council so orders.

NOTE: includes officers statutorily referred to as:

1. SPECIAL POLICE (*in boroughs*) - Borough Code Section 1121
2. AUXILIARY POLICE - 1951, Act 561, Section 1-6  
Borough Code Section 1121, 1127  
1957, Act 71
3. SPECIAL PATROLMAN - 1919, Act 274, Section 6
4. EXTRA POLICEMAN - Third Class City Code Section 2203
5. ADDITIONAL POLICEMAN - 1919, Act 274, Section 506
6. RESERVE POLICE - 1955, Act 600, Section 3
7. SANITARY POLICE - Third Class City Code Section 2308
8. SPECIAL POLICEMAN (*in second class cities*) - 1907, Act 167

Class E, Restricted Area Officer

Duty--a Class E, Restricted Area Officer is responsible for enforcing the laws, ordinances and regulations in a limited geographical area. Such geographical area shall be defined in the ordinance or statute authorizing such officers, and shall include:

- (1) Municipal authorities in any city, borough, town or township.
- (2) Parks in third class cities and counties.

Powers--a Class E, Restricted Area Officer shall possess and exercise the power of a peace officer in making arrests and preserving the peace within his jurisdiction. A Class E, Restricted Area Officer shall have no authority to serve and execute any processes.

Uniform--a Class E, Restricted Area Officer may wear a uniform if so directed by the employer. All such officers shall wear a badge, indicating that the individual is an authorized Class E, Restricted Area Officer. All such officers may carry and use a firearm in the line of duty.

Training--any Class E, Restricted Area Officer shall carry and use a firearm only after successful completion of an approved firearms training course. Any such officer shall also complete all training which may hereunto or hereafter be required.

Classification--no Class E, Restricted Area Officer shall be considered to be a member of the established police force in the municipality.

NOTE: this group includes those officers statutorily referred to as:

1. PARK POLICE - 1868 PL 1083  
County Code Section 2511, 2512  
Second Class County Code Section 3033  
1868, Act 1020  
1899, Act 7
2. PARK GUARDS - Third Class City Code Section 3718, 3719, 3720
3. MUNICIPAL AUTHORITY POLICE - 1945 PL 382, Section 4
4. HOUSING AUTHORITY POLICE (*in second class cities*) - 1937, Act 265,  
Section 10(ee)

Class F, Public Officers with Police Power (these officers possess law enforcement powers, but their primary duties are not in the law enforcement field)

This class of law enforcement officer is comprised of persons in the public service, either elected or appointed, whose primary duties are in areas other than police work, but who do have some powers of a peace officer, even if those powers are limited and minimal. This section shall not affect the powers and duties of these officers outside of the law enforcement authority which the said officers possess and exercise. None of these officers shall have the authority to carry and use a firearm in the course of his duties as a law enforcement officer. Only those officers specifically indicated in the explanatory paragraphs below shall be required to undergo a training course for the carrying out of their law enforcement duties.

1. County Controller and Coroner

A County Controller in a second class county, and a Coroner in any third through eighth class county, each possesses the authority to order a person appearing at an inquiry or investigation jailed if the witness refuses to take oath or affirmation, or after so doing, refuses to answer questions. This provision shall not be construed so as to give either the County Controller of a second class county, or a Coroner in a third through eighth class county the power of arrest in any circumstance as a result of his holding office. His only power shall be to issue a warrant to the sheriff to arrest the witness.

1. CORONER - County Code Section 1247

2. COUNTY CONTROLLER - Second Class County Code Section 1927

2. Health Officer.

An officer in a borough, first class township, or third class city, who is appointed by the Board of Health to enforce the rules and regulation of the State Department of Health or the Board of Health. He shall have the powers of a peace officer in making inspections with or without warrant, in accordance with the laws governing such inspections; he may serve all orders and papers of the Board of Health; and he may arrest for violations of the health laws, if the law requires such an arrest; he may issue citations if the law indicates that a citation shall be given, instead of an arrest being made. His law enforcement duties shall be strictly limited to the authority to enforce ordinances and

statutes regarding the public health. He shall have no authority to arrest for violations of law not concerning health; nor shall he have the power to serve and execute process of any kind not promulgated by the Board of Health, nor to act as a traffic or security officer. He shall not be authorized to carry a firearm in the course of his duties. A Health Officer may wear a uniform if the said Board so requires, but must possess some form of identification indicating that the individual is an authorized law enforcement agent of the Board of Health. He shall successfully complete any course of training which may be required.

NOTE: no longer has full powers of a police officer in the municipality.

1. County Code Section 2190
2. Borough Code Section 3105
3. Third Class City Code Section 2306
4. First Class Township Code Section 1605

3. Mayor or other Chief Executive of a City

In a second class A city and a third class city, a Mayor, in times of emergency, takes the power of sheriff to prevent and suppress riots, mobs, and unlawful and tumultuous assemblies. Such a period of emergency shall last no longer than five days, except by act of council.

1. Third Class City Code Section 1203
2. 1969 PL 331 (Second Class A City)  
Section 1

4. Road Caretaker

A county of the second and third through eighth classes may employ a Road Caretaker. He is responsible for the upkeep of roads and the maintaining of order thereon. He has the powers of a peace officer only in keeping the peace in and along the county roads, and enforcing all rules or regulations governing the use of such roads. He shall also possess the powers of a traffic officer to control and direct vehicular and pedestrian traffic, but this power shall only be used to aid the Road Caretaker in maintaining order and preserving the peace along and near the roads of the county. He shall have the authority of a constable and make arrests for violations of laws, rules and regulations concerning the county roads. A county Road Caretaker shall be subject to the county commissioners,

who shall also direct the uniform of the officer, if a uniform is to be worn. All Road Caretakers must wear a badge in plain view and visible at all times that he is on active duty, and such badge shall indicate that the officer is a Road Caretaker. Such officer shall not carry and use a firearm in the course of his duties.

1. County Code Section 2781-2783
2. Second Class County Code Section 2950-2952

NOTE: suggested repeals for this section:

- (1) Power of a second class County Commissioner to make an arrest on joint county toll bridges (Second Class County Code Section 2715).
- (2) County Treasurer has power of a sheriff in regards to the sale of property for tax money (1809, Act 113).
- (3) Power of township auditors to deliver a subpoena and attachment (First Class Township Code Section 1002, Second Class Township Code Section 546).



Class G, Investigative Officer

Duty--the primary duty of a Class G, Investigative Officer is to make close examination or inquiry to determine if a violation has occurred. If a violation has occurred, he shall attempt to find the accused for purposes of arraigning him before a judge or magistrate. The employer of such an officer may limit the officer to certain areas of law, or he may have general enforcement power and authority (for example, an officer of the SPCA can be limited to only one area of law).

Powers--the power of an investigative officer shall be to exercise any reasonable powers of a peace officer to investigate violations of law. This shall not be construed to allow an investigative officer to serve or execute process.

Uniform--a uniform may be worn at the discretion of the employer. A form of identification shall be carried on the person of the officer indicating that the individual is an authorized Class G, Investigative Officer. Such an officer shall not carry and use a firearm in the course of his duty.

Training--all training programs and courses which may be required for such an officer must be successfully completed by all Class G, Investigative Officers.

Classification--no Class G, Investigative Officer shall be considered to be a member of a police force.

Registration--all Class G, Investigative Officers shall register *with the appropriate body or agency.*

NOTE: includes officers statutorily referred to as:

1. ATTENDANCE OFFICER - 1949, Act 14, Section 1341, 1342
2. HOME AND SCHOOL VISITOR - 1949, Act 14, Section 1341-1345
3. AGENTS OF A SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, CHILDREN, OR THE AGED - 1913 PL 462  
1921, Act 80  
11 PS 22  
18 CPSA 5511  
22 PS 501
4. SPECIAL OFFICER - 1893 PL 24 (recommended repeal)

Class GG, Investigative Officer

Duty--same as that of a Class G, Investigative Officer.

Powers--same as that of a Class G, Investigative Officer.

Uniform--same as that of a Class G, Investigative Officer, but may carry and use a firearm.

Training--all Class GG, Investigative Officers must successfully complete all required training courses.

Classification--any Class GG, Investigative Officer may be considered a member of a police force, with the exception of a court officer or a private detective.

Registration--a Class GG, Investigative Officer shall register *with an appropriate body or agency*.

NOTE: this group includes officers statutorily referred to as:

1. PRIVATE DETECTIVE - 1953, Act 361
2. COUNTY DETECTIVE - County Code Section 1440  
Second Class County Code Section 1440
3. SPECIAL COUNTY DETECTIVE - County Code Section 1441  
Second Class County Code Section 1441
4. DESERTION PROBATION OFFICER - 1913 PL 502

Class H, Policy Enforcement Officers

Duty--to enforce the laws and ordinances in one specific policy area.

Powers--all Class H, Policy Enforcement Officers shall have the power of a peace officer only to issue citations and conduct investigations in order to perform the duties of such an officer. This shall not be construed to give a Class H, Policy Enforcement Officer the full powers of a peace officer.

Uniform--a uniform may be worn, if so directed by the employer. No such officer shall be authorized to carry and use a firearm in the line of duty.

Training--the employing body shall have the authority to determine what training shall be required of a Class H, Policy Enforcement Officer.

Types--

(1) Parking Enforcement Officer shall have the authority to enforce all regulations and ordinances concerning the parking of motor vehicles.

(2) Fire Enforcement Officer

(a) In first class cities, such an officer is subject to the Police Department. He may cause people to be arrested. He may appoint a Chief Assistant and such other Assistant Fire Enforcement Officers as he may deem necessary. The Chief Assistant shall temporarily assume the office of Fire Enforcement Officer if the said officer is absent or disabled.

(b) In cities other than the first class, a Fire Enforcement Officer is appointed by the chief executive officer of the city for a two year term. He shall enforce the Fire Code, and investigate fires. If there is no office of Fire Enforcement Officer, the chief of the Fire Department shall act as an ex-officio Fire Enforcement Officer.

1. PARKING METER ENFORCEMENT OFFICER ("Meter Maid") - 1915, Act 259, Section 6; 1974, Act 120

2. FIRE MARSHAL - First Class City: 1864, Act 453  
1903, Act 51  
1911, Act 281

Second Class City: Second Class City Code Section  
3104

Second Class A City: Second Class City Code Section  
3101-A

Third Class City: Third Class City Code Section  
2104-2107

Recommended repeals:

1. TREE-WARDEN - 1907 PL 349, Section 6  
Third Class City Code Section 3804  
Borough Code Section 2724  
First Class Township Code Section 3024  
Second Class Township Code Section 19058
  
2. FORESTER (*of a municipality*) - 1907 PL 349, Section 6  
Third Class City Code Section 3804  
Borough Code Section 2724  
First Class Township Code Section 3024  
Second Class Township Code Section 19058
  
3. INSPECTOR OF REGISTRATION - 1937 PL 487, Section 5

Class I, Jail Officer

Duty--to operate and oversee persons in jails, lockups, workhouses, prisons, and other institutions for the punishment, rehabilitation, or confinement of convicted violators, or persons awaiting trial who are in custody of the Commonwealth. A jail officer who is the administrative head of the institution shall be referred to as "Warden." He may appoint other administrative personnel called Deputy Wardens.

A person concerned with the care and watching of inmates is a guard. A matron is an officer who receives, searches, and cares for women prisoners.

This category may also include a sheriff working as head of a county jail.

Powers--a jail officer shall only have all the powers of a peace officer upon the grounds of the institution, and in the tracking of fugitives from that institution.

Uniform--a jail officer may wear a uniform, if so directed by the employing government entity. He may also carry and use a firearm in the course of his duties.

Training--no jail officer shall carry and use a firearm in the line of duty until he has successfully completed an approved firearms training course. All jail officers shall be subject to any other course of instruction which may be required.

NOTE: recommend end the use of terms ASSISTANT TURNKEY AND KEEPER.

1. WARDEN - 61 PS 346, 350, 351, 409, 409.1, 411  
16 PS 11021, 11051  
1917, Act 150  
1921, Act 262
2. SHERIFF ACTING AS WARDEN OF COUNTY JAIL - 61 PS 408, 419.1  
1921, Act 262  
1949, Act 359
3. DEPUTY WARDEN - 61 PS 409, 409.1, 411, 423  
1921, Act 262
4. ASSISTANT WARDEN - 61 PS 409, 411  
1921, Act 262
5. GUARD - 61 PS 409.1  
1921, Act 262
6. MATRON - 61 PS 409.1  
1921, Act 262  
County Code Section 2328
7. TURNKEY - 61 PS 409.1  
1921, Act 262

8. KEEPER - 61 PS 409.1, 411, 423  
1921, Act 262  
Overseer equals underkeeper - 61 PS 350-352

Class J, Special Officers

A group of officers with powers in special areas, and with special functions. They shall retain all powers, duties, and responsibilities provided in law. They shall also retain the names used for the existing groups included in this class of officer. Such groups include but are not limited to:

1. THE DELAWARE RIVER BRIDGE POLICE - 1945, Act 106
2. THE DELAWARE RIVER PORT AUTHORITY POLICE - 1957, No. 34
3. OFFICERS FOR THE BOARD OF COMMISSIONERS - RIVER DELAWARE AND ITS TRIBUTARIES - 1917, Act 77, Section 1
4. SPECIAL INVESTIGATOR (*for public defender*) - 1970, Act 180
5. LANDLORD AND TENANT OFFICER - 1970, Act 2, Section 2

Where duties, responsibilities, and powers are unclear, the first three groups shall be considered to be Class E, Restricted Area Officers. Where duties, responsibilities, and powers are unclear, the last two groups of officers shall be considered to be Class G, Investigative Officers.

NOTE: Commissioners for the River Delaware and Its Tributaries should no longer have the power to make arrests.

Class K, State Officers Involved in Local Law Enforcement

Officers employed by the Commonwealth who are important in enforcing laws and regulations in the local area. They have various duties and powers which they shall continue to possess. They shall also continue to be known by the names which are currently in use. The intent of this provision is not to replace or revise current law, but instead to restate its contents for purposes of clarification.

1. Dog Law Enforcement Officer

Duties--to enforce the dog laws of the Commonwealth.

Powers--to search premises, with a warrant, if necessary, for diseased dogs, or dogs which have caused injury to a person or animal. He also has the power to humanely dispose of dogs that do not have proper identification tags or that are diseased.

Uniform--a uniform may be worn if so directed by the Department of Agriculture. No Dog Law Enforcement Officer shall carry or use a firearm in the course of his duties.

Training--training requirements shall be determined by the Department of Agriculture.

1965, PL 1124

2. Waterways Patrolman, Deputy Waterways Patrolman, Special Waterways Patrolman.

NOTE: commonly called FISH WARDEN.

Duty--primarily responsible for the enforcement of the fish laws, but also responsible for the enforcement of the game, boat, and forestry laws.

Powers--Waterways Patrolman and Special Waterways Patrolman have the power of a peace officer to enforce the said laws, which shall include, but not be limited to, the power to arrest violators of the fish, forestry, boat and game laws, execute warrants on state lands, serve subpoenas for fish law violations; as well as to confiscate and destroy any illegal fishing gear.

Uniform--a uniform may be worn, if so directed by the Commonwealth. A Waterways Patrolman or Special Waterways Patrolman may carry and use a firearm in the line of duty, if so authorized by the Pennsylvania Fish Commission.



Training--all such officers who are authorized to carry and use a firearm in the line of duty must successfully complete an approved firearms training course. The Pennsylvania Fish Commission has the power to direct the training requirements of such officers. A Special Waterways Patrolman must receive a minimum of two weeks training. He acts as a Waterways Patrolman, with the full powers and duties of such an officer, until the end of the calendar year in which he was appointed.

1. WATERWAYS PATROLMAN - 1937, Act 512  
1959, Act 673, Section 3, 94, 123, 124, 145,  
146, 158, 162, 175, 196, 257
2. DEPUTY WATERWAYS PATROLMAN - 1959, Act 673, Section 158
3. SPECIAL WATERWAYS PATROLMAN - 1959, Act 673, Section 258

3. Game Protector, Deputy Game Protector

NOTE: commonly called GAME WARDEN.

Duty--primarily responsible for the enforcement of the game laws, but also responsible for the enforcement of the fish, boat, and forestry laws.

Powers--a Game Protector and a Deputy Game Protector have the power of a peace officer to enforce the said laws, which shall include, but not be limited to, the power to arrest violators of the fish, forestry, boat, and game laws, execute warrants on state lands, serve a subpoena, as well as to confiscate and destroy any illegal hunting gear.

Uniform--a uniform may be worn, if so directed by the Pennsylvania Game Commission. A Game Protector and a Deputy Game Protector may carry and use a firearm in the line of duty, if so authorized by the Pennsylvania Fish Commission.

Training--all such officers who are authorized to carry and use a firearm in the line of duty must successfully complete an approved firearms training course. The Pennsylvania Game Commission has the power to direct the training requirements of such officers.

Special Provisions--a Deputy Game Protector possesses the powers and duties of a Game Protector. He is not paid, unless specifically employed for special duties. He collects fees for his services, in similar fashion as those paid to a constable.

1. GAME PROTECTOR - 1937, Act 316, Section 1202, 1203  
implied 1937, Act 316, Section 1204-1209  
1937, Act 512
2. DEPUTY GAME PROTECTOR - 1937, Act 316, Section 1203, 208

4. Pennsylvania State Police (*concern with local level responsibilities*)

Duties--to aid local law enforcement agencies. If there is no established police force in a municipality, the Pennsylvania State Police may be requested to handle the police duties for that municipality.

Powers--such officers have all the powers of police in first class cities, and constables.

Uniform--a uniform may be worn if so directed by the Commissioner of the State Police. At all times, when on duty, a State Police trooper shall either be in uniform or possess proper identification. Such an officer may carry and use a firearm in the line of duty.

Training--all officers who are authorized to carry and use a firearm in the line of duty shall successfully complete an approved firearms training course. The Commissioner of State Police shall be responsible for setting the training requirements for the Pennsylvania State Police.

Concerned with 1929, Act 175, Section 710

5. Campus Security Police

Duty--to enforce laws and regulations, and to defend persons and property upon the grounds, property, and premises of state colleges and universities, or state aided or related colleges or universities and community colleges.

Powers--a Campus Security Police Officer has all the rights and powers conferred upon the police officers of the municipality in which the college, university, or community college is located.

Uniform--a uniform may be worn, at the direction of the governing body of the institution. A badge must be worn at all times that the officer is on duty. An officer may carry and use a firearm in the line of duty, if so authorized by the governing body of the institution.

Training--all Campus Security Police who are authorized to carry and use a firearm in the line of duty, shall successfully complete an approved firearms training course. The Department of Education shall direct any other training requirements which shall be fulfilled by such an officer.

Emergency situations--in an emergency, if requested by the chief executive officer or officers of the municipality or municipalities in which the college, university, or community college is located, the said officer may take on powers and responsibilities within the municipality, beyond the grounds of the campus.

1929, Act 175, Section 2402, 2416

## 6. Forest Fire Warden

NOTE: also called DISTRICT FIRE WARDEN.

NOTE ALSO: includes ASSISTANT FOREST FIRE WARDEN, CHIEF FOREST FIRE WARDEN.

Duty--primarily to protect state lands from destruction by fire, but also responsible for the defense of private forest lands and farmer's woodlots from fire.

Powers--power to arrest on view, and with probable cause, persons caught or suspected of committing a crime for which he has jurisdiction. He may enter land for the defense against or inspection for fire or fire hazards. He may collect from a private individual, on whose lands a fire was extinguished by the Forest Fire Warden, any and all costs which shall be borne by the individual, as provided by law. He shall also have the power to enforce fish and game laws. In the process of fighting a fire, he may also order any able-bodied person to assist him in the fighting of the fire. He may also enter into agreements with local fire associations to assist in the fighting of forest fires. A Forest Fire Warden's power is state-wide, but if fighting a forest fire in a region other than that for which he is appointed, he is subject to the control of the Forest Fire Warden who has jurisdiction. A Forest Fire Warden may also appoint a Deputy Forest Fire Warden, if approved by the Commissioner of Forestry. Such a Deputy shall have the full powers of a Forest Fire Warden.

Uniform--a uniform may be worn, if so directed by the Chief Forest Fire Warden, who is the Commissioner of Forestry. A badge shall be worn at all times that the Forest Fire Warden is on duty. No such officer shall be permitted to carry and use a firearm in the line of duty.

Training--the Commissioner of Forestry shall determine the training requirements for Forest Fire Wardens, and their deputies.

1909, Act 601

(UNIT 3 - RECOMMENDATIONS continued)

2. A definition should be made to determine the differences between a full time police officer and a part-time police officer. Such a definition should include the training requirements of each type of police officer.

3. Presently, the State of California utilizes a system of different training requirements for officers with various responsibilities, duties, and powers. Such a system may be readily applicable to Pennsylvania. The Local Government Commission may wish to propose a resolution calling upon the General Assembly to study the feasibility of adopting such a system in the Commonwealth.

4. We also recommend the repeal of all obsolete statutes which do not conform with the classification recommended in this report. For a list of such recommended repeals, please consult Appendix A.

5. We recommend the updating of laws not in keeping with modern practices. One example is Act 180 of 1919, which provides for only 20 detectives for the county of Philadelphia.

A P P E N D I X A

Acts Recommended for Repeal

1. 1850, Act 390, Sections 22-20 (deals with MARSHAL OF POLICE).
2. Third Class City Code, Section 2009 (deals with VOLUNTEER POLICE).
3. 1875, Act 52 (deals with the sale and trafficking of liquor at veterans' encampments)
4. 1866, Act 154 (deals with constables and conductors of trains searching for persons involved in liquor trafficking).
5. Laws regarding the abolished Board of Wardens for the Port of Philadelphia:
  - 1803, Act 156
  - 1804, Act 104
  - 1817, Act 87
  - 1818, Act 36
  - 1820, Act 39
  - 1826, Act 79
  - 1846, Act 27
  - 1853, Act 266
  - 1855, Act 525
  - 1859, Act 639
  - 1861, Act 676
  - 1868, Act 698
  - 1871, Act 360
  - 1872, Act 18
6. Laws regarding the term of office of a constable, which have been superseded by the law presently in effect:
  - 1889 Act 5 (three year term)
  - 1889 Act 79 (three year term)
  - 1911 Act 299 (four year term)

## F O O T N O T E S

### INTRODUCTION

1. 22 PS Section 41.
2. 53 PS Section 740.

### UNIT 1 - THE FINDINGS IN PENNSYLVANIA

1. Black, Henry Campbell. Black's Law Dictionary, 4th ed. St. Paul, Minnesota, West Publishing Company, 1951. p. 1518.
2. Ibid. p. 1518.
3. Ibid. p. 1534.
4. Ibid. p. 1534.
5. 22 PS Section 41.
6. 53 PS Section 740.

### UNIT 2 - THE SITUATION IN OTHER STATES

1. The material in this section was obtained over a period of approximately two months. The information was obtained through conversations with various officials in the respective states. Little or no research of statutes or current legislation in these states was conducted, since it was not the intent of this paper to report extensively on the circumstances in other states. As a result, recent changes, as well as incomplete or incorrect information about the circumstances in police classification in other states may not have been considered.

### UNIT 3 - RECOMMENDATIONS

1. 18 CPSA Section 508 (b).
2. Black. p. 140.
3. Ibid. p. 140.
4. 18 CPSA Section 501.
5. 22 PS Section 12.
6. Black. p. 1518.
7. Ibid. p. 1525.
8. Ibid. p. 1534.