

PA FIRE POLICE

Fire Police Authority In Communities Without Fire Depts.

By Tony Riccardi - PA State Fire Academy Approved Fire Police Instructor

A situation involving fire police officers was recently discussed in a classroom setting that provoked much confusion and concern.

This concern centers around a **fire police officer's authority in a municipality that does not have its own fire company** but, instead, contracts fire companies of surrounding areas to provide fire protection for them.

In this scenario, fire police officers respond with their respective fire companies and provide fire police services for that community the same as they do in many similar situations.

However, what is different in this setting is that the fire police officer may be challenged in a courtroom as to what authority they had in that municipality.

Right now, everyone is assuming that this is not a problem since fire police provide mutual aid on a daily basis so why should this present a problem?

Not only that, but, the law (Title 35) states that fire police officers have authority anywhere in the Commonwealth of Pennsylvania. Doesn't that cover any situation where fire police officers may be requested to perform their duties?

In an effort to explain the difference, let's start with the fire police officer's own fire company and their own municipality. Everyone knows, or should at least be aware, that the fire police officer has no authority unless the municipality confirms them and then either "swears" them in or has an authorized individual do so.

However, you are now performing fire police duties on a regular basis in another community that does not have its own fire company. You are now doing so as the fire company (fire police) for that municipality. Generally, this is done on a contract basis, written or verbal. Since you are now recognized as the fire police officers for that entity, it becomes necessary that you be sworn in by that governing body, same as you did in your own fire company. Now that you have been sworn-in by each of the additional municipalities being served by your fire company, you will have authority, on a

regular basis and not just on mutual aid, whenever you enter the additional community to perform whatever fire police duties they may require.

When a police officer is hired by a municipality, they also must be sworn-in in order to have police authority in that community. Should several municipalities decide to merge (regionalize) their police departments, the police officers must be sworn in by each municipality or they will not be deemed to have authority in the municipalities being served by the regional department. Of course, the municipalities may, by ordinance, declare that these officers will have police authority in their communities.

Obviously, the same holds true for fire police since you have been given certain police authority that other citizens do not have and, since municipalities do not create ordinances to cover the fire police, they should be sworn-in to prevent any future concerns in this area.

The next question is, do we have to go into each municipality that we contracted with to be sworn in? No, fire police do not have to physically go into the municipality to be sworn-in. When being sworn-in, whoever performs the service, merely inserts at the top right hand side of the form, (loyalty oath), the community number of each municipality, and that should cover it.

For example, let's say your community number is 61 and the municipality you are contracted with is number 59. When these two numbers are inserted at the top of the form as already stated, that signifies that you now have authority to perform fire police duties in each of these two or more municipalities. That's it!

Most readers by now will be wondering, isn't that just a minor technicality? Of course it is, but any attorney will tell you that it is these little technicalities that may win or lose a case in a courtroom. In our current litigious society where lawsuits are a way of life, it is always wise to be prepared rather than have to defend our actions in

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a court of law. And remember, also none of this applies to any fire police unit in the Commonwealth of Pennsylvania unless you provide services for a municipality that does not have its own fire department.

At the risk of repeating too often, it must be remembered that fire police officers perform mutual aid constantly and that represents no problem.

Too many fire police officers have confused the discussion undertaken in this article as referring to mutual aid. **IT DOES NOT!**

If you, as a fire police officer, do not provide fire police services for a municipality that does not have its own fire company, you have no problem and this article does not refer to you.

If you respond on mutual aid to another fire police unit who does provide services for a municipality that doesn't have its own fire company, again, this does not pertain to you.

If after reading this article you still find yourself confused, either attend a fire police class or contact the writer for further explanation. Most fire police how to do that but, if not, do so through this publication. We will be happy to assist you.

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