

WHO'S IN CHARGE?

See the digital edition or use the QR code below to access a video featuring a discussion of regional and municipal police departments and management structure.

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Police Department Management Falls on the Shoulders of Elected Officials

Municipal police serve Pennsylvania communities well in some of the most trying circumstances. When things go wrong, though, who is responsible? What role does the township play in managing the police department? That can vary, depending on the situation. Regardless, elected officials should be familiar with every aspect of police operations, whether a municipal department or regional force.

BY CHRIS BRADY / ASSISTANT EDITOR



Local police are among the most visible members of a local government team and work hard to earn the trust of the communities they serve. Municipal officials are charged with overseeing local police and typically serve on commissions that oversee regional police. Local leaders should be well-versed in police procedures and an internal affairs policy. Chiefs of police, whether at a municipal or regional department, answer to local elected leaders and must report to them.

Although trust can be hard to obtain, poll after poll shows that local government garners more public trust than the state or federal government. Much of that can be attributed to visibility and the relationships local elected leaders and municipal government staff have built with residents and the communities they serve.

There are few public officials more visible than local police, and public trust in that body is the result of community service over time. Make no

mistake, though — the actions of the police are a direct reflection of those elected to oversee the department. Chiefs of police, the township manager, and elected officials all play a role in managing this critical public service.

“The board of supervisors is vested with final authority to form police departments and to conduct hiring, firing, suspending, and demoting [of] police officers,” says Chris Gerber, an attorney with Siana Law. “The board, as a body, serves as the supervisor of the chief of police, subject to the board’s delegation of supervisory authority to the manager. The board cannot ‘turn a

blind eye’ to police supervision.” (*Editor’s note: After the News went to print, Christopher Gerber, Esq., joined Lamb McErlane, PC, West Chester.*)

Pennsylvania is unique in that it does not require municipal police departments to implement an internal affairs policy. Not having such a policy, however, puts the police and the elected leaders of the municipality in a precarious legal position. Although it is not mandated, it is a good idea for municipalities to draft a policy to address accusations of police misconduct or other police-related issues.

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affairs policy face the prospect of costly litigation that arises from an alleged failure to supervise their police departments when a person asserts that a police officer violated their civil rights,” says Gerber.

Municipalities have an obligation to provide public safety services. Depending on a community’s balancing of response time, costs, crime rate, and level of coverage area, there are different choices.

Pennsylvania State Police provide coverage through state income taxes. Communities that desire an additional law enforcement presence can contract regionally with neighbors or even create their own department. Municipalities can employ a part-time police depart-

ment while relying on State Police for any hours not covered by a part-time police force.

Policies protect the police and the municipality

A responsive and fair internal affairs process is critical to the safe and lawful operation of any police department. It is designed to ensure accountability and fairness in the investigative process and serves to build trust among all parties involved.

“As the township’s final policy-maker, the governing body is obligated by federal and state law to implement and enforce the internal affairs function,” says Gerber. “Failure to properly supervise a township police department

can result in danger to the public, lost jobs, damaged reputations, and costly lawsuits.”

Township supervisors should approve the police department’s standard operating procedures by resolution. The adoption should be based on recommendations made by the chief of police in consultation with a qualified attorney and, potentially, other law enforcement professionals tasked by the township with evaluating police operations.

“The board and manager should be informed about police operations that historically result in the highest risk of incidents and litigation, such as the use of force, motor vehicle pursuits, and responses to domestic disputes,” advises

Management of a township police department differs from management of a regional police department. Municipal leaders should familiarize themselves with the various differences in management and oversight of these departments. Elected leaders should ensure that proper oversight is understood by police and the municipal management structure.





Gerber. “These standard operating procedures should be frequently reviewed and amended in accordance with current federal and state law.”

Regional police department management works a little differently. Regional departments are overseen by commissions made up of officials from the municipalities covered by the department.

Charles Stull, a supervisor for Gilpin Township in Armstrong County, is a member of the police commission that oversees the Southern Armstrong Regional Police Department (SARPD). The SARPD covers Gilpin and the neighbor-



As part of their oversight of the municipal police department, township officials must authorize the purchase of new police vehicles or other equipment.

ing boroughs of Freeport and Ford City.

“For policy setting, the Southern Armstrong Regional Commission enacts final policies, but typically we do so at the recommendation of the police chief,” says Stull. “So the police chief has put together our standard operating procedures, our hiring procedures all across the board; our entire procedure handbook is put together by the chief but reviewed and approved by the commission. Most policy changes are reviewed and approved at public commission meetings.

“As far as disciplinary actions or anything like that, we are governed under a collective bargaining agreement with the Teamsters, so we do have to follow the procedures as set forth in that,” he adds. “But the chief does play a big part in making sure we are following the steps, and we follow his recommendations.”

Within the commission, there are committees to oversee personnel issues, finances, administration, and more, Stull explains. In short, the commission oversees all aspects of the regional department.



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Municipal versus regional police departments

In municipalities, just as the administration, public works, and parks and recreation departments are overseen by the elected officials, so, too, is the municipal police department. Likewise, just as the manager or secretary reports to the elected officials, so, too, does the chief of police, unless another arrangement has been made.

Regional departments, as mentioned previously, are governed by commissions composed of representatives from the municipalities served by the department. Local leaders should be well-versed in police department management, including who is responsible when an incident involving police arises, and what protocols are needed in case of a problem.

“I’m very fortunate in my career over the last 38 years to be able to be chief of police of two regional police departments and one municipal police department,” says Dave Mettin, chief of police and director of public safety for Plumstead Township in Bucks County. “There is a slight variation in how we manage those police operations and who we report to and how we do that reporting, what the chief of police is actually responsible for.” *(For more on the chief’s role in a municipal versus a regional department, see the video linked in the digital edition or scan the QR code on page 8.)*

The chief of police in a municipal police department, such as Plumstead’s, answers directly to the township supervisors or manager, depending on how the supervisors delegate that authority. The manager answers directly to the supervisors. The police chief is responsible for drafting reports to be presented to the elected officials — typically monthly, although the chief can update elected officials more frequently.

A chief of police reporting to a regional commission will typically have more administrative and budgetary re-

sponsibilities, while a municipal police chief handles more of the day-to-day responsibilities associated with officers and the department’s operations, according to Mettin.

“We do operate a little more hands-

off in our department,” says Stull of the SARPD. “Our police chief handles most of our day-to-day interactions and workings. The commission is designed to be more of a legislative branch of the department and handle the policy

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Regional solutions provide more resources

More regional police departments are serving communities across the commonwealth than ever before. According to the Governor’s Center for Local Government Services and the Department of Community and Economic Development, there are 41 regional police

departments serving 143 municipalities across 28 counties in Pennsylvania. *(For more on regional police departments and assistance through the Governor’s Center for Local Government Services, see the box on page 15.)*

Dave Nyman, a former member of the PSATS Executive Board, is a supervisor for East Rockhill Township in Bucks County and recently retired as manager of Upper Makefield Township, also in Bucks County. His experience as a supervisor and manager in townships and, at one time, a borough,

provides unique insight into police department management.

Boroughs are more densely populated and often residents prefer more of a police presence. Townships can differ, according to Nyman.

“Townships don’t have the same expectation,” he says. “Residents don’t need to see police patrolling up and down the street. It’s more, ‘I need them when I need them.’”

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overseen by the chief, although township managers and the police commission also play roles.

"We got into the regional aspect because we had a part-time department but needed the resources," says Nyman. "Regionalization allows you to have the resources.

"The chief in a regional has more

power than a chief in a municipal force," he adds. "In a township, the chief is usually a department head. With a police commission, the commission runs the department, but the chief has more day-to-day power."

Regional departments can pose additional challenges, though, such as apportionment of costs to the various municipalities. Consequently, Gerber advises adopting an intergovernmental cooperation agreement to require

unanimous approval of the commission's annual budget.

Committees within the commission can draft recommendations, as can the chief. Municipal managers provide guidance for the commission as well, according to Nyman. The budget for a police commission is more comprehensive than that of a municipal department. Chiefs that serve regional departments typically have more comprehensive experience with administrative

Townships interested in regional police can turn to DCED for help

Municipalities interested in exploring regional policing can receive technical and financial assistance from the state Department of Community and Economic Development (DCED) and the Governor's Center for Local Government Services.

Grant funding is available through DCED's Municipal Assistance Program. MAP provides funding to help local governments plan for and efficiently implement various policies, programs, or projects and manage development with an emphasis on intergovernmental approaches.

Assistance from the Governor's Center may include but is not limited to in-depth management studies to determine whether municipal police consolidation is feasible.

DCED also offers the *Regional Police Guide: Strengthening Police Services*, which provides additional information on regional policing and the steps municipalities can expect when establishing a regional department. The guide includes sample resolutions and information on additional resources, such as technical and financial assistance.

For more information on police services, contact the Governor's Center for Local Government Services at 888-223-6837 or go to <https://dced.pa.gov>. Choose the Local Government tab at the top of the page and then select Police Services.



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duties and budgeting, adds Nyman.

“The intergovernmental cooperation agreement should also clearly state that the commission’s police department is managed by a chief of police who reports directly to the board of directors, the final policymaking body, which is comprised of officials appointed by the respective municipal members,” says Gerber. “The individual townships and boroughs that make up the commission, including their respective municipal managers and mayors, should not

have authority over the commission’s governance other than the voting power of their appointees. Such arrangements can and will create confusion over the chain of command, which should be clear and unbreakable.”

How to handle police misconduct

A good exercise Gerber recommends for townships is to conduct a tabletop exercise with various scenarios that may play out with police, including accusations of misconduct, an officer-involved shooting, or other event that would attract immediate media attention. What should the board of supervisors do? The exercise should include the steps the board will take with its solicitor and perhaps an outside attorney to ensure an internal affairs investigation is handled appropriately.

“In the event of a complaint of police misconduct or neglect that may, if proven to be true, warrant the termination, suspension, or demotion of a township police officer, the chief

of police should be required by the township’s internal affairs policy to promptly inform the manager and the board of supervisors of the complaint to ensure that the internal affairs investigation is being conducted timely and properly,” says Gerber. “While it may be presumed that the chief of police will either conduct or directly supervise an administrative, non-criminal internal affairs investigation, the board must reserve its authority to designate another investigator in the event the chief has a conflict of interest or otherwise cannot or should not conduct an unbiased investigation.”

Again, chiefs of police should advise municipal management and elected leaders immediately of any complaints filed internally or externally against municipal police.

“A failure to properly supervise the chief and police department by the board can subject the board and its individual members to liability in civil rights lawsuits based upon a theory of ‘deliberate indifference,’” adds Gerber.

Additionally, it is important that everyone stays up to speed with policies and be clear about their roles in management of the department.

“Education is key,” says Gerber. “It is advisable that the board of supervisors, manager, chief, solicitor, and labor counsel conduct an annual meeting to ensure that all township officials understand their respective roles in connection with police department management and supervision. During that meeting, the officials and their counsel should conduct an exercise based upon hypothetical critical police incidents that warrant an immediate internal affairs investigation.”

It may be tempting for township officials to leave the management of a municipal police department to the chief or other “experts.” The hard truth, however, is that with management of a municipal police department, the buck stops with the elected officials, as it does with the municipal representatives on a commission for a regional force. Elected officials must educate themselves on police operations and make sure they are clear on the critical role they play in managing this public service. ♦

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