


Law Enforcement Authority

100.1 POLICY HEADER

Original Effective Date:	Revised Date:
September 1, 2021	January 4, 2023
<p>Authorization:</p>  <p>Jason Haberman Chief of Police</p>	

100.2 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Mt. Lebanon Police Department to perform their functions based on established legal authority.

100.3 POLICY

It is the policy of the Mt. Lebanon Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.4 LAW ENFORCEMENT OFFICER POWERS

Certified members of this department are authorized to exercise law enforcement officer powers pursuant to applicable state law.

100.4.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE MT. LEBANON POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Mt. Lebanon Police Department includes any lawful arrest, including:

- (a) Arrests made in compliance with an arrest warrant (Pa.R.Crim.P. 515).
- (b) Arrests made without a warrant for:
 1. A crime committed in the officer's presence (42 Pa.C.S. § 8952; Pa.R.Crim.P. 502).
 2. A crime not committed in the officer's presence based upon probable cause for:
 - (a) A felony offense (Pa.R.Crim.P. 502).

Mt. Lebanon Police Department

Policy Manual

Law Enforcement Authority

- (b) A summary offense below when there is ongoing conduct that imperils the personal security of any person or endangers public or private property (42 Pa.C.S. § 8902):
 - 1. Disorderly conduct (18 Pa.C.S. § 5503).
 - 2. Public drunkenness (18 Pa.C.S. § 5505).
 - 3. Obstructing highways and other public passages (18 Pa.C.S. § 5507).
 - 4. Purchase, consumption, possession, or transportation of liquor or malt or brewed beverages (18 Pa.C.S. § 6308).
- (c) A crime against a family or household member involving (18 Pa.C.S. § 2711):
 - 1. Involuntary manslaughter (18 Pa.C.S. § 2504).
 - 2. Simple assault (18 Pa.C.S. § 2701).
 - 3. Aggravated assault (18 Pa.C.S. § 2702).
 - 4. Recklessly endangering another person (18 Pa.C.S. § 2705).
 - 5. Terroristic threats (18 Pa.C.S. § 2706).
 - 6. Stalking (18 Pa.C.S. § 2709.1).
 - 7. Strangulation (18 Pa.C.S. § 2718).
- (d) A violation of the motor vehicle code involving (75 Pa.C.S. § 3811):
 - 1. Driving while operating privilege is suspended or revoked (75 Pa.C.S. § 1543(b)(1.1)).
 - 2. Driving under the influence of alcohol or controlled substance (75 Pa.C.S. § 3802).
 - 3. Operating a motor vehicle not equipped with ignition interlock (75 Pa.C.S. § 3808(a)(2)).
- (e) A crime involving recent scattering of rubbish from a trash, garbage, or debris collection vehicle (18 Pa.C.S. § 6501).
- (f) A violation for failure to comply with sexual offender registration requirements (18 Pa.C.S. § 4915.1; 18 Pa.C.S. § 4915.2).
- (g) A theft of any grade (18 Pa.C.S. § 3904).
- (h) Any other statutorily authorized arrest.

100.4.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE MT. LEBANON POLICE DEPARTMENT

The arrest authority of officers extends outside the jurisdiction of the Mt. Lebanon Police Department when (42 Pa.C.S. § 8953):

Mt. Lebanon Police Department

Policy Manual

Law Enforcement Authority

- (a) The officer is acting pursuant to a court order and any applicable permission has been obtained pursuant to 42 Pa.C.S. § 8953.
- (b) The officer is in fresh pursuit of a person who has committed an offense within Mt. Lebanon.
- (c) The officer is assisting another law enforcement officer at his/her request or has probable cause to believe a law enforcement officer is in need of assistance.
- (d) The officer has obtained prior consent of the senior ranking on duty law enforcement officer of another jurisdiction to enter the other jurisdiction for the purpose of conducting official duties.
- (e) The officer is on official business and views an offense, or has probable cause to believe that an offense has been committed, makes a reasonable effort to identify himself as a police officer, and the offense is a misdemeanor, breach of the peace, or other act that presents an immediate clear and present danger to persons or property.
- (f) The officer views a felony offense or has probable cause to believe that a felony has been committed, and makes a reasonable effort to identify himself/herself as a police officer.
- (g) The officer has authorization to participate in a federal, state, or local task force from the Chief of Police or authorized designee.

An officer who makes an arrest outside his/her jurisdiction shall notify the appropriate state or municipal official and relinquish authority and control over the person apprehended to the organized law enforcement agency which regularly provides primary police services in the municipality. (42 Pa.C.S. § 8953).

100.5 LAW ENFORCEMENT OFFICER POWERS

Law enforcement authority may be extended to other states for the pursuit and arrest of an individual who has committed a felony offense:

- (a) New York (CPL § 140.55)
- (b) New Jersey (N.J.S.A. 2A:155-4)
- (c) Maryland (Md. Code CP § 2-305)
- (d) West Virginia (W.V. Code § 62-11-1)
- (e) Ohio (ORC § 2935.30)
- (f) Delaware (11 Del. C. § 1932)

New York allows a pursuit into their state and a subsequent arrest in their state for any act, including a misdemeanor, that would constitute a crime in New York.

Delaware allows a pursuit into their state and a subsequent arrest in their state for a misdemeanor as well as a felony.

Mt. Lebanon Police Department

Policy Manual

Law Enforcement Authority

100.6 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Pennsylvania Constitutions.

100.7 AGENCY AUTHORITY

The Mt. Lebanon Police Department derives its legal authority from the Commonwealth of Pennsylvania as well as other applicable statutes or ordinances.