

RTK 84



pennsylvania
OFFICE OF OPEN RECORDS



Springettsbury Township
1501 Mt. Zion Road
York, PA 17402
(717) 757-3521 (Phone)
(717) 505-0455 (Fax)
www.springettsbury.com

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 07/28/11

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR: KENELM L. SHIRK, III, ESQUIRE

STREET ADDRESS: 115 SOUTH STATE STREET
EPHRATA, PA 17522-2412

CITY/STATE/COUNTY (Required): (LANCASTER COUNTY)

TELEPHONE (Optional): 717-733-7997

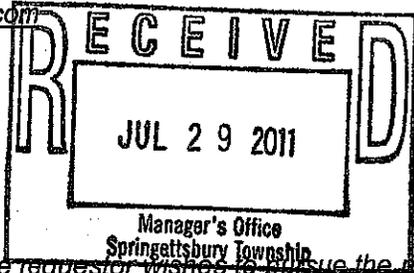
RECORDS REQUESTED:
**Provide as much specific detail as possible so the agency can identify the information.*

SEE ATTACHED

DO YOU WANT COPIES? YES or NO
DO YOU WANT TO INSPECT THE RECORDS? YES or NO
DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

RIGHT TO KNOW OFFICER: JOHN J. HOLMAN, TOWNSHIP MANAGER/SECRETARY
john.holman@springettsbury.com

DATE RECEIVED BY THE AGENCY: 7/29/2011
AGENCY FIVE (5)-DAY RESPONSE DUE: 8/5/2011



***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

Questions: please contact the Office of Open Records at (717) 346-9903 or openrecords@state.pa.us

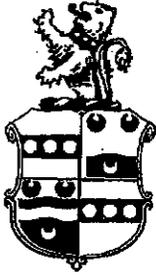
30 Day 9/2/2011

RIGHT - TO - KNOW REQUEST FORM

(ATTACHMENT)

A Springettsbury Police Officer (Officer William J. Hazeley) initiated a traffic stop and allegedly called to the scene a York City Police Officer (Officer Hansel, Badge #179) to assist, resulting in the filing of charges by Officer Hazeley against an individual and a company for alleged motor vehicle violations in Springettsbury Township.

As to the relationship between the York City Police Department and the Springettsbury Township Police Department, please provide copies of all Ordinances and Resolutions related to the authority of York City Police to assist at traffic stops in Springettsbury Township.



COAT OF ARMS OF SPRINGETT PENN
1701-1731

SPRINGETTSBURY TOWNSHIP

1501 Mt. Zion Road
York, Pennsylvania 17402
717-757-3521 Fax: 717-757-7856
www.springettsbury.com
email: info@springettsbury.com

Police: 717-757-3525 Fax: 717-840-1908
Police and Fire Emergencies - Dial 911
Recreation Office: 717-505-0406

Wastewater Treatment Facility
3501 North Sherman Street
717-757-3521 Fax: 717-840-0880

BOARD OF SUPERVISORS

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TOWNSHIP MANAGER

John J. Holman
Secretary

August 3, 2011

Mr. Kenelm L. Shirk, III, Esquire
115 South State Street
Ephrata, PA 17522-2412

Re: **RIGHT-TO-KNOW REQUEST**

Dear Mr. Shirk,

Thank you for writing to Springettsbury Township with your request for information in regards to "the relationship between the York City Police Department and the Springettsbury Township Police Department, please provide all Ordinances and Resolutions related to the authority of York City Police to assist at traffic stops in Springettsbury Township."

I have found no ordinances or resolutions or ordinances related to your request. The authority of York City Police to assist Springettsbury Township Police can be found in the Statewide municipal police jurisdiction - 42 Pa. Cons. Stat. §8953 sub paragraph (a) through (e). The cost of the copy of the documents is \$0.50 if picked up from the municipal office. Should you wish to have the information mailed, the additional cost is \$0.44 for a total cost of \$0.94.

The documents can be picked up or mailed upon receipt of payment to Springettsbury Township. You may contact Ms. Dori Bowders, at 717-757-3521, to schedule a time to pick up the documents.

Please be advised that this correspondence will serve to close this record with our office as permitted by law.

If you have any questions please do not hesitate to contact me.

Very truly yours,

John J. Holman
Township Manager

/jjh

cc: Charles Rausch, Township Solicitor
Lt. Trott, Officer in Charge

File: Right-to-Know

RTK-84

Holman, John

From: Trott, David
Sent: Monday, August 01, 2011 2:02 PM
To: Rausch, Charles; Holman, John
Subject: RE: RTK Police Support - Interagency

The Statewide Municipal Police Jurisdiction Act covers all Agencies in the Commonwealth. In this case, I believe section (3) below applies.

Lt. Trott

Statewide municipal police jurisdiction - 42 Pa. Cons. Stat. § 8953

§ 8953. Statewide municipal police jurisdiction.

(a) General rule.--Any duly employed municipal police officer who is within this Commonwealth, but beyond the territorial limits of his primary jurisdiction, shall have the power and authority to enforce the laws of this Commonwealth or otherwise perform the functions of that office as if enforcing those laws or performing those functions within the territorial limits of his primary jurisdiction in the following cases:

(1) Where the officer is acting pursuant to an order issued by a court of record or an order issued by a district magistrate whose magisterial district is located within the judicial district wherein the officer's primary jurisdiction is situated, or where the officer is otherwise acting pursuant to the requirements of the Pennsylvania Rules of Criminal Procedure, except that the service of an arrest or search warrant shall require the consent of the chief law enforcement officer, or a person authorized by him to give consent, of the organized law enforcement agency which regularly provides primary police services in the municipality wherein the warrant is to be served.

(2) Where the officer is in hot pursuit of any person for any offense which was committed, or which he has probable cause to believe was committed, within his primary jurisdiction and for which offense the officer continues in fresh pursuit of the person after the commission of the offense.

(3) Where the officer has been requested to aid or assist any local, State or Federal law enforcement officer or park police officer or otherwise has probable cause to believe that the other officer is in need of aid or assistance.

(4) Where the officer has obtained the prior consent of the chief law enforcement officer, or a person authorized by him to give consent, of the organized law enforcement agency which provides primary police services to a political subdivision which is beyond that officer's primary jurisdiction to enter the other jurisdiction for the purpose of conducting official duties which arise from official

matters within his primary jurisdiction.

(5) Where the officer is on official business and views an offense, or has probable cause to believe that an offense has been committed, and makes a reasonable effort to identify himself as a police officer and which offense is a felony, misdemeanor, breach of the peace or other act which presents an immediate clear and present danger to persons or property.

(6) Where the officer views an offense which is a felony, or has probable cause to believe that an offense which is a felony has been committed, and makes a reasonable effort to identify himself as a police officer.

(b) **Limitation.**--Nothing contained in subsection (a) shall be deemed to extend or otherwise enlarge a municipal police officer's power and authority to arrest any person for an offense unless specifically authorized by law.

(c) **Relinquishing authority.**--Whenever a municipal police officer exercises any power or authority over any person or event pursuant to the provisions of subsection (a)(3), (4), (5) or (6), the officer shall relinquish authority and control over any such person or event upon the request of the chief law enforcement officer, or a person authorized by him to make the request, of the organized law enforcement agency which regularly provides primary police services in the municipality.

(d) **Immunities and benefits preserved.**--Any municipal police officer who exercises any power or authority granted under this section, and the employing municipality of the police officer, shall have the same immunities from liability as would be applicable if the actions were performed within the territorial boundaries of the officer's primary jurisdiction and the police officer shall be entitled to the same benefits of employment as the officer would possess if acting solely within his primary jurisdiction. However, when any municipal police officer is responding to a request for aid or assistance from a State law enforcement officer pursuant to subsection (a)(3) for purposes of workers' compensation and allocation of liability for any death, injury or damage he may cause in the performance of his requested duties, he shall be considered to be an employee of the Commonwealth. All costs incurred by any municipality in the defense of lawsuits arising from the performance of any requested duties shall be borne by the Commonwealth. The Commonwealth shall provide attorneys to defend any lawsuits arising under this section. For purposes of compensation, pension or indemnity fund rights and other rights and benefits to which he may be entitled, the municipal officer shall be considered to be performing his duties in his normal capacity as a municipal law enforcement officer. Nothing in this section shall be construed to restrict the authority of any municipality to limit the exercise of any power or authority conferred on its police by this section.

(e) **Existing and future municipal police service agreements preserved.**--Nothing in this section shall be construed to restrict the authority of any municipality to maintain current or to enter into new cooperative police service agreements with another municipality or municipalities for purposes including, but not limited to, describing conditions of mutual aid, assigning liability and determining appropriate costs of these cooperative efforts.

(July 1, 1987, P.L.180, No.21, eff. imd.; Dec. 22, 1989, P.L.730, No.100, eff. 60 days)

1989 Amendment. Act 100 amended subsec. (d).

1987 Amendment. Act 21 amended subsec. (a)(3).