

Council of the City of York, PA  
Session 2022  
Bill No.  
Ordinance No.

INTRODUCED BY:

DATE:

**AN ORDINANCE**

Amending Article 145 "Police Department" of the City of York Codified Ordinances to make changes recommended by the Police Department to make the department more effective and efficient.

WHEREAS, the following ordinance changes have been recommended by the Police Department to make the department more effective and efficient;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 145 "Police Department" of the Codified Ordinances is hereby amended, as attached hereto, and made a part hereof, on behalf of the City of York, Pennsylvania.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

NAYS: \_\_\_\_\_.

\_\_\_\_\_  
Sandie Walker, President of Council

ATTEST:

\_\_\_\_\_  
Dianna L. Thompson, City Clerk

Presented the Mayor for approval this \_\_\_\_\_ day of \_\_\_\_\_.

APPROVED: \_\_\_\_\_  
Mayor Date

VETOED: \_\_\_\_\_  
Mayor Date

ARTICLE 145  
Police Department

145.01	Composition, control and appointments.	145.05	Manual of rules.
145.02	Superior officers.	145.06	Promotional procedures.
145.03	Special officers.	145.07	<del>Detective Division</del> <u>Investigation Bureau.</u>
145.04	Extra police officers.		

CROSS REFERENCES

Appointment and qualifications - see 3rd Class §2001 (53 P. S. §37001)

Designation of Chief - see 3rd Class §2002 (53 P. S. §37002)

Powers and authority - see 3rd Class §2005, 2006 (53 P. S. §37005, 37006)

Police Pension Fund - see ADM. Art. 169

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145.01 COMPOSITION, CONTROL AND APPOINTMENTS.

(a) The Police Department shall ~~consist of not more than 100 police officers and such other employees as funds may be~~ be staffed at a number determined by the Mayor through funds provided ~~for in~~within the current budget, or by supplemental appropriations.

~~(b) The number of police officers and other employees may be increased to provide additional positions when such positions are funded by grants from State or Federal agencies and approved by Council.~~

(~~e~~b) The Police Department shall be under the direct supervision and control of the Mayor, who shall appoint a Police Commissioner or Chief of Police who is professionally qualified by education and experience as a law enforcement administrator. The Police Commissioner shall not be regarded as a police officer within the provisions of this ~~article~~Article and other ordinances unless specifically included therein.

(~~d~~c) Exception: In addition to his or her duties of Police Commissioner, the Council may approve the Police Commissioner as a sworn police officer if the Police Commissioner can pass all state certification requirements that are established to be qualified as a police officer. The Police Commissioner shall have all the same powers and may conduct the same duty as other police officers within the City, but shall not be counted in the roster as a police officer and shall not qualify under the police pension system. The Police Commissioner shall not receive additional pay unless approved by Council and can only serve as a sworn officer after receiving state certification and only as long as he or she serves as Police Commissioner.  
(Ord. 2-2004. Passed 2-4-04.)

(~~e~~d) All appointments and promotions of police officers shall be in accordance with the Civil Service provisions of the Third Class City Code and shall be subject to Council approval. Duty assignments by the Police Commissioner or Police Chief shall fall outside the Civil Service provisions of the Third Class City Code.  
(Ord. 32-1978. Passed 11-21-78.)

#### 145.02 SUPERIOR OFFICERS.

All police officers shall be termed as "police officers" except those designated as superior officers by the Police Commissioner or Chief of Police with the approval of the Mayor in accordance with the promotional procedures or duty assignment authority set forth in ~~Section 145.06~~ this Article. The ranks of superior officers shall be:

- (a) Police Commissioner or Chief of Police.
  - (b) Captain.
  - (c) Lieutenant.
  - (d) Inspector.
  - (e) Detective Commander.
  - (~~e~~f) Sergeant.
  - (~~f~~g) Detectives First Class.
- (Ord. 2-1989 §1. Passed 2-7-89.)

#### 145.03 SPECIAL OFFICERS.

Whenever Council deems it necessary for the public safety, it may appoint one or more special police officers to serve for such term as Council deems advisable. Such appointments shall be made upon the recommendation of the Mayor and Police Commissioner or Chief of Police, and only upon certification by the Police Commissioner or Chief of Police that the persons recommended are qualified to perform the duties for which they are to be appointed. Such officers shall receive salary or compensation as Council may determine and shall exercise the rights and be subject to the duties imposed upon police officers while on duty. Special police officers shall do and perform such special police duty as may be directed by the Mayor and Police Commissioner or Chief of Police, but shall not be used to replace Civil Service police officers. (Ord. 32-1978 §1. Passed 11-21-78.)

#### 145.04 EXTRA POLICE OFFICERS.

(a) The Mayor is hereby authorized and directed, on occasions of threatened public disorder or danger, whenever in his or her judgment it becomes necessary for the public safety or to preserve order, to appoint extra police officers.

(b) The number of extra police officers shall be determined by the Mayor in accordance with existing circumstances and they shall serve for such period as the Mayor may designate, not exceeding thirty days.

(c) Extra police officers shall be furnished, by the City, with whatever uniforms and equipment may be deemed necessary by the Mayor, and their compensation shall be fixed by Council. (Ord. 32-1978 §1. Passed 11-21-78.)

#### 145.05 MANUAL OF RULES.

The Police Commissioner or Chief of Police shall prepare and distribute a manual of rules and procedures in accordance with the provisions of Section 121.04. (Ord. 32-1978 §1. Passed 11-21-78.)

#### 145.06 PROMOTIONAL PROCEDURES AND DUTY ASSIGNMENT AUTHORITY.

(a) The procedures set forth in this section shall govern all Civil Service promotions and non-Civil Service duty Assignments of police officers.

(b) The Police Commissioner or Chief of Police shall be appointed by the Mayor with the advice and consent of Council. The Chief of Police shall be designated from the force ~~43~~ Police Department ~~145.07~~ and may be removed without cause in the same manner, but not to any rank lower than the Civil Service rank held at the time of designation as Chief of Police.

(c) ~~Promotions~~Civil Service promotions to the ranks of Sergeant, Lieutenant and Captain shall be from eligibility lists established by the Police Civil Service Board. The Board shall adopt Rules which govern the composition of the written test, establish guidelines for the oral test and ~~approve of those regulations and the~~ procedures to be followed in taking tests.

- (1) Rating Factors. Each candidate for promotion shall be rated by written test, oral test, evaluation and seniority. The relative importance of each rating factor shall be determined by the Board, but the written test shall not be less than fifty percent (50%) of the total score. A seniority allowance of one-half point for each full year of service after completion of the first five years shall be added to the total score, however, seniority shall not exceed five points of the total score.
- (2) Selection. The Police Commissioner or Chief of Police with the approval of the Mayor shall select one of the top three officers on the list who are certified by the Board for promotion.

(d) ~~Promotion~~Assignment to the rank of Inspector shall be made by the Police Commissioner or Chief of Police with the approval of the Mayor. The Inspector shall be designated from the force and shall receive the salary of a Lieutenant. The rank of Inspector is a staff position and he or she shall have no line authority except over members assigned to the Inspectional Services Division. The Police Commissioner or Chief of Police with the approval of the Mayor may return the Inspector to his or her prior Civil Service rank at any time.

(e) ~~Promotion to the rank of~~Assignment to the ranks of Detective Commander, Detective First Class and Detective shall be made in accordance with the provisions of Section 145.07.  
(Ord. 32-1978 §1. Passed 11-21-78.)

(f) ~~Promotions~~Assignment to the rank of Corporal shall be made by the Police Commissioner or Chief of Police, who shall have the authority to promote up to twenty-five percent (25%) of the total number of police officers authorized, subject to the availability of funds. Corporal shall receive the salary of a Detective. ~~Promotional~~Selection criteria shall include education and training, experience, and performance evaluations, and any Corporal may be returned to his or her previous Civil Service rank for just cause by the Police Commissioner or Chief of Police.  
(Ord. 10-1995 §1. Passed 6-6-95.)

#### 145.07 ~~DETECTIVE DIVISION~~INVESTIGATION BUREAU.

It is hereby determined that positions in the ~~Detective Division~~Investigation Bureau require special training which can best be ~~discovered~~identified and developed by on-the-job training and observation and accordingly ~~appointment~~assignment to positions in the ~~Detective Division~~Investigation Bureau shall be made as follows:

- (a) Assignment to the rank of Detective Commander shall be made by the Police Commissioner or Chief of Police, upon the written recommendation of the Division Captain, from those police officers serving as a Detective First Class. The Detective Commander shall receive the salary of a Lieutenant. The Detective Commander shall have no line authority except for personnel assigned within their chain of command.
- (b) ~~(a)~~ Assignments to the position of ~~detective trainee~~ Detective Trainee shall be made by the Police Commissioner or Chief of Police on a rotating basis to provide all police officers with the opportunity to develop their investigative skills.
- (~~b~~c) ~~Promotions~~ Assignments to the rank of ~~detective~~ Detective shall be made by the Police Commissioner or Chief of Police upon the written recommendation of the Detective Commander. Such recommendation shall be based on the officer's education and training, experience, and demonstrated investigative ability.
- (~~e~~d) ~~Promotions~~ Assignments to the rank of ~~detective first class~~ Detective First Class shall be made by the Police Commissioner or Chief of Police upon the written recommendation of the Detective Commander from those police officers holding the rank of Detective. Detectives ~~first class~~ First Class shall receive the salary of a Sergeant. The rank of ~~detective first class~~ Detective First Class is a working supervisory position, and ~~detectives first class~~ Detectives First Class shall have no line authority except over members assigned ~~to the~~ within their chain of command. However, an officer designated as a Detective First Class cannot replace a Sergeant within the Patrol Division.
- (~~d~~e) The Police Commissioner or Chief of Police may return any detective first class or detective to his or her Civil Service rank at any time, provided that such reduction in rank is for sound managerial reasons.  
(Ord. 32-1978 §1. Passed 11-21-78.