

Authority Over Borough Police: Mayor vs. Council

Borough police force may only be established by ordinance

Borough council may establish, by ordinance, a police department, the ranks of the officers, and the duties ascribed for each rank.¹

The mayor controls the manner in which police duties are performed *only* in those cases in which council has, by ordinance, established a police department.²

The mayor may direct the operation of the police force

The mayor, under some provisions of the Borough Code, appears to have full charge and control of the chief of police and the police force, including the power to direct the time during which, the place where, and the manner in which the chief of police and the police force shall perform their duties.³

Borough council, however, has the power to fix and determine the total weekly hours of employment that shall apply to the police.⁴

Borough council has final police employment decision authority

In general, only borough council can appoint, remove, suspend or reduce in rank any borough police officer.⁵

The mayor, however may suspend a police officer for cause until the next council meeting after the suspension, pending council's determination to reinstate, discharge, suspend or reduce in rank the officer.⁶

Note: Mayors of boroughs that have their own police force retain limited power over controlling the manner in which police discharge their duties. Because such control is often ill-defined and because of the professional nature and greater specialization associated with law enforcement, the mayor is now more often better suited to act as an intermediary between council and the department. Also, in municipalities, including boroughs, where there is a regional police force or where there is contracting for police services, the mayor may be divested of any power he or she may have had over a borough force.

¹ 8 Pa.C.S. § 1121(a)(3).

² 8 Pa.C.S. § 1123.1(b). For example, the mayor may receive notice that a noise ordinance is not being obeyed. He can direct the police force to investigate or more vigorously enforce the ordinance; but, if this same borough has enacted an ordinance restricting the chief of police's hours of duty to daylight hours, the mayor may not force the chief to personally enforce the ordinance during evening hours in contravention of the ordinance.

³ 8 Pa.C.S. § 1123.1(a).

⁴ 8 Pa.C.S. § 1121(a)(5).

⁵ 8 Pa.C.S. § 1121(a)(2).

⁶ 8 Pa.C.S. § 1124.