
ARTICLE 149
Police Rights, Powers, Duties and Responsibilities

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149.01 PURPOSE

This Article is enacted to regulate and define, for the benefit of the members of the Police Department of the City of Franklin, and for the residents of the City of Franklin, the rights, powers, duties and responsibilities of off-duty members of the Police Department of the City of Franklin. (Ord. 1 of 1978, Passed 1-16-78)

149.02 DEFINITIONS

When used in this Article, the following words and phrases shall have the meanings hereafter ascribed to them, unless the context clearly indicates a contrary meaning:

- a.) Collective Bargaining Agreement: The agreement in effect, from time to time, between the City of Franklin and the members of the Police Department of the City of Franklin, pursuant to the Act of June 24, 1968, P.L. 237, No. 111 (43 P.S. Para. 217.1 et seq.) and any amendments thereto.
- b.) Off-Duty: Referring to that time during the hours of the day when an officer is free of the responsibility of performing his usual routine duties.
- c.) Officer: A current, unsuspended member of the Police Department of the City of Franklin.
- d.) On-Duty: Referring to that time during the hours of the day when an officer is actively engaged in the performance of his duties, pursuant to the Collective Bargaining Agreement and/or the rules, regulations and procedures of the Police Department.

(Ord. 1 of 1978, Passed 1-16-78)

149.03 OFF-DUTY OFFICERS' POWERS

It is hereby declared, enacted and ordained that each officer, while off-duty, shall have and be authorized to exercise all of the powers and authority of an on-duty officer,

including, but not limited to, the power of arrest; PROVIDED that nothing herein shall be interpreted or construed to extend the authority or powers of an off-duty officer to matters of private concern to the officer which would not be the proper subject of police action if the officer were on-duty. (Ord. 1 of 1978, Passed 1-16-78)

149.04 EXCEPTIONS TO BEING "OFFICIALLY ENGAGED"

At all times when performing police activities, an off-duty officer shall be considered to be actually engaged in the furtherance of the business or affairs of the City, EXCEPTING ONLY when an off-duty officer is:

- a.) At any time employed by an employer other than the City; and
- b.) When engaged in the furtherance of the business or affairs of said employer other than the City.

(Ord. 1 of 1978, Passed 1-16-78)

149.05 COLLECTIVE BARGAINING AGREEMENT

The provision of the current collective Bargaining Agreement, and any similar provision in any subsequent such Agreement, whether for the same or different dollar amounts, which requires the City to provide liability insurance for each officer, or pay defense costs and indemnity for non-punitive damages up to Fifty Thousand Dollars (\$50,000), relative to liability incurred by an officer in the performance of his police duties, shall apply to an off-duty officer engaged in the performance of police functions, duties and activities, but only when performed in accordance with Sections 149.03 and 149.04 herein. (Ord. 1 of 1978, Passed 1-16-78)

149.06 NO DIFFERENCE IN HOURS OR WAGES

The provisions of this Article shall in no way increase, decrease or otherwise alter the hours of work and/or wage provisions of the Collective bargaining Agreement and/or the rules, regulations and procedures of the Police Department. (Ord. 1 of 1978, Passed 1-16-78)

149.07 NO DIFFERENCE IN DUTIES OR RESPONSIBILITIES

Notwithstanding anything herein to the contrary, the provisions of this Article shall in no way increase, decrease or otherwise alter the present duties and responsibilities of an off-duty officer, including the duty and/or responsibility, if any, of an officer to perform police functions or activities while off-duty, to-wit, for example, the provisions of this Article shall in no way increase, decrease or otherwise alter the duty, if any, of an off-duty officer to respond affirmatively to situations which he may encounter or requests of third parties. (Ord. 1 of 1978, Passed 1-16-78)