

# ***PA FIRE POLICE***

## ***Fire Chief & Fire Police Officers Relationship Part 2***

**By Tony Riccardi - PA State Fire Academy Approved Fire Police Instructor**

The fire chief, along with the fire police captain, should be involved in the selection process of all new candidates for the fire police unit. This should help to select suitable candidates for this very important position.

Title 35 stipulates that a fire company may only nominate a candidate for the position of fire police officer.

After the candidate has been properly nominated, the name(s) are submitted to the municipality for their approval. The candidate is either accepted or rejected by the municipality, following a background check.

If the municipality approves the individual, a person who is empowered to receive the oath from the candidate, must then administer the oath of office.

The fire chief, as does the municipality, has the additional responsibility to assure that all fire police officers receive proper and relevant training before they are permitted to perform fire police functions.

Should the fire chief and/or the municipality fail this responsibility, they may face an allegation of "supervisory negligence" and/or "failure to train" should a fire police officer become involved in litigation as a result of an improper act or omission of an act or duty.

The fire chief and the municipality must be careful not to allow a fire police officer to refuse training on the grounds that the Commonwealth of Pennsylvania does not make this a mandatory requirement.

While this is true, it must be remembered that the civil courts will hold the individual fire police officer, the fire chief, the fire company, and the municipality accountable for this failure to train.

We have encountered numerous fire chiefs who complain about the quality of their fire police officers. The tragedy here is that it is the fire chief who can prevent incompetent personnel to function in this category by mandating training and, not permitting incompetent personnel to function as a fire police officer.

Remember, it is the fire chief who will be held liable, not the fire police captain as some fire chiefs believe.

**Can A Fire Chief Suspend A Fire Police Officer?**

Yes, with cause.

However, it must be remembered that the fire company only nominated the individual. It is the municipality that gave the authority to the individual fire police officer.

The municipality should be notified when such suspensions do occur so that the individual can be removed from having any authority during the term of suspension and removed from

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coverage under Workers' Compensation during the suspended period.

A good fire police officer, as well as a good fire police unit, is an asset to any fire department and every effort should be made to improve the quality of this group of individuals serving in this capacity.

There are too many fire police officers who have been serving for many years and feel they do not need training "since they have been doing it for so long".

Sadly, it is this group who has mostly contributed to the negative image of the fire police officer.

Today, there are many dedicated, very well trained individuals who perform this function with pride and seek to constantly improve their services to their respective fire departments.

As if it is not already difficult enough to deal with an angry, abusive, traveling public, the fire police officer must also contend with a fire department whose members ridicule them, and deny them proper equipment to do the job effectively.

The writing of this paper is only intended to assist the fire chief in understanding his/her role and responsibility regarding fire police officers.

It is not intended to replace or in any way minimize the requirement to participate in the full sixteen-hour state certified program which will, obviously, go into great depth and explanation.

We hope this has been helpful in assisting all members of the fire department and, especially the fire chief, in understanding the legal responsibilities regarding this important "tactical unit" of the fire department.

Tony Riccardi, Fire Chief (retired)

Police Chief (retired)

Certified Fire and Fire Police Instructor



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