

PA FIRE POLICE

Fire Chief & Fire Police Officers Relationship Part 1

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There appears to be some confusion, misinformation and just plain apathy regarding the role of the fire chief as it relates to the fire police officers in the fire company.

In order to clarify this problem and to respond to the most frequently asked questions regarding this matter, this material is being provided in an effort to enlighten all on proper legal requirements, responsibilities, and how to develop an effective fire police organization.

Since the courts have increasingly placed on the fire chief the responsibility for safeguarding the welfare of everyone on the fire ground including spectators, it should be in the best interest of the fire chief to develop an effective fire police unit.

Some fire chiefs have complained that spectators have no business being on the emergency ground. However, the courts have indicated that it is natural for spectators to be drawn to the scene of an emergency and must therefore be protected.

It is the fire police officer who should and do provide this protection for the fire chief and all emergency responders operating at the scene of the incident.

Many fire chiefs believe they really don't need fire police since the law permits them to use any fire fighter to direct traffic during an emergency. This is covered in PennDot Vehicle Code Regulations Title 67 Section 101.

While this is true, it is also a fact that the civil courts do not abide by this provision but, require anyone doing an activity to be trained to perform that particular activity. Thus, if fire fighters are not properly trained, they may face liability. **(Fire fighters become 2nd line fire police after training).**

Add to that the fact that a case precedent now exists ("Carrell v. City of Portage") where the court ruled that fire fighters

were "operating outside their scope of employment" when they directed traffic. The courts stated that "fire fighters have no business being involved in traffic control" and were required to go through trial for their involvement which resulted in the death of Mr. Carrell.

There are many fire chiefs operate under the belief that they have no control over the fire police officers. This is absolutely not true.

It must be remembered that Title 35, Fire Police Law, stipulates that any volunteer fire company may nominate any of its members to serve as fire police officers.

Since this is true, it follows then that all members of the fire company operate under the supervision of the fire chief. Obviously this includes the fire police officers.

The confusion arises as a result of Section 3 of Title 35, which states, "...fire police shall be subject to the control of the Chief of Police or his police officers..."

What this means is that when the fire police officers are on duty they come under the jurisdiction of the police agency while operating on the road/highway; at all other times they are under the control of the fire chief who is the actual head of the fire police unit.

If the fire department and fire police respond to an accident scene for a car fire or a vehicle accident, the fire chief would be in charge of extinguishing the car fire but the police are in charge of the scene.

In the case of an accident where the police officer requests the fire chief to return the apparatus and the fire fighters to the station but to leave the fire police officers there to further assist at the scene, the fire chief may not order the fire police to return with the fire fighters.

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Since it is the police officer who investigates all accidents and subsequently makes out the accident report, it follows that the police are always in charge at an accident. Some chiefs have difficulty with this fact.

The police agency has full authority to request that the fire police officers remain to further assist at the scene.

While there is no designation in any law for the position of captain, lieutenant, or sergeant, almost every fire department has these positions who report directly to the fire chief, and it is the captain who manages the day-to-day activities of the fire police unit and keeps the fire chief aware of training needs, equipment needs, etc.

It is the fire chief who is responsible to assure that all fire police officers are properly trained, properly equipped with equipment required by law (hat, badge, flashlight), and other equipment needed for their safety and capability to perform their duties effectively and efficiently.

Fire Police and Radios

Since fire police assignments may place them in remote locations, it is important that they be equipped with portable two-way radios and assigned a separate frequency on which to operate.

Fire police officers need to be in contact with their superior officers during their tour of duty, may encounter difficulties which may require police assistance, or may be required to leave their post for whatever reason.

Placing a fire police officer on duty without the benefit of a portable radio can result in a legal problem for the fire chief and the fire company.

While the law does not require that a fire police officer be equipped with a portable radio, common sense would indicate that placing a fire police officer (male or female) in remote locations, in situations where communications would be a requirement without suitable means to accomplish such communications, could lead to problems.



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