

ORDINANCE 8-02 of 2020

Approving the Agreement and Participation
of the Police Department of Pittston Twp
with the Luzerne County Drug Task Force (LCDTF),
Commonwealth of Pennsylvania, Office of Attorney General
and Luzerne County District Attorney's Office

WHEREAS, the common threat of illegal trafficking and use of narcotics and other illegal drugs have obliterated municipal boundaries in the enforcement of laws throughout the Commonwealth of Pennsylvania; and

WHEREAS, an urgent need for integration, uniformity, and consistency in the enforcement of such laws in the Commonwealth of Pennsylvania is present in our community; and

WHEREAS, municipal police departments have been frustrated by jurisdictional limitations and inadequate personnel and financial resources in attempting to address illegal narcotics trafficking and use; and

WHEREAS, coordination of law enforcement operations in the fight against illegal narcotics trafficking and use historically has been sporadic and disintegrated, resulting in significant drug law enforcement gaps, inconsistency of capability and effort, and reduced coordination; and

WHEREAS, the above Municipality has determined that the provision of mutual police aid across jurisdictional lines will increase its ability to enforce the provisions of narcotics and illegal drug laws, and will preserve the safety and welfare of the Municipality in Luzerne County, and the Commonwealth of Pennsylvania; and

WHEREAS, the Office of Attorney General and the Luzerne County District Attorney have requested the aid and assistance of the Municipality's Police Department to implement the municipal drug task force activities in compliance with the Municipal Police Jurisdiction Act, 42 Pa.C.S. §8953(a)(3); and

WHEREAS, the Municipality desires to enter into an agreement for the purpose of having available for use throughout its territorial limits, the services of police, both full-time and part-time, employed by the Municipality under the conditions set forth and in compliance with the Municipal Police Jurisdiction Act (MPJA), 42 Pa.C.S. §8953; and

WHEREAS, cooperation among municipalities in the exercise and performance of their governmental powers, duties and functions is authorized by the various acts of the General Assembly to wit: 53 Pa.C.S. §2303 (formerly 53 P.S. §483) and ratified by ordinance pursuant to 53 Pa.C.S. §2305 (formerly 53 P.S. §485); and

WHEREAS, the Office of Attorney General, through its Bureau of Narcotics Investigation and Drug Control, has established a drug task force program throughout Pennsylvania to coordinate narcotics investigations, enforcement, prosecution, and drug control efforts; and

WHEREAS, the Office of Attorney General has transferred control of the Luzerne County Drug Task Force to the Luzerne County District Attorney, and the Luzerne County District Attorney

has agreed to control, supervise and assume responsibility of the Drug Task Force operations within the Municipality and throughout Luzerne County; and

WHEREAS, the Municipality intends to participate in the LCDTF activities; and

WHEREAS, the Municipality wishes to establish the administrative framework for carrying out their activities under this program in Luzerne County.

NOW, THEREFORE, BE IT ORDAINED by the government of this Municipality:

THAT, this Ordinance shall memorialize the approval of the ICA among the LCDTF, the Luzerne County District Attorney, and our Police Department, the powers of which are, and always have been, intended to be conferred by the MPJA; and

THAT, the undersigned Municipality, by this act of its governing body hereby agrees to cooperate in the exercise of any and every function, power or responsibility with or delegate or transfer any function, power or responsibility to all other local governments' officers and agents and the Office of the Luzerne County District Attorney participating in the LCDTF in accordance with the Intergovernmental Cooperation Act (53 Pa.C.S.A. § 2301, et seq); and

THAT, consistent with the Intergovernmental Cooperation Act,¹ we hereby Ordain as follows:

(1) *The conditions of the agreement between and among the agencies involved in the LCDTF shall permit the exercise of jurisdiction for any participating member of the LCDTF in this Municipality's jurisdiction, the terms of said agreement may be amended from time to time by separate agreement of the parties.*

(2) *The duration of the term of the agreement shall be ongoing unless or until duly modified, in writing, and signed by this Municipality and the Luzerne County District Attorney.*

(3) *The purpose and objective of this Ordinance and associated Agreement(s) is to combat the scourge of the trafficking, possession and consumption of controlled substances and crimes related in any way thereto and to confer and coordinate jurisdiction to the LCDTF working to combat such crime.*

(4) *The manner and extent of financing for the purposes stated herein permit for the pay/reimbursement of overtime wages and necessary costs and insurances of the officers and equipment from LCDTF funds and any other adjustments at the sole discretion of the District Attorney, which may be amended from time to time by separate agreement of the parties.*

(5) *The organizational structure necessary to implement the agreement approved by the Ordinance requires that the LCDTF be supervised by the District Attorney and his/her designee at the sole discretion of the District Attorney for the purposes stated herein.*

(6) *Real or personal property shall be acquired, managed, licensed or disposed of by action of the District Attorney or his/her designee at the sole discretion of the District Attorney. In the event such property is taken by forfeiture/seizure, the requirement of the*

¹ 53 Pa.C.S.A. § 2307.

ADOPTED this 17th day of August, 2020.

Motion by: Joseph Hawk

Second by: Danilo Slezak

ROLL CALL

Yeas

X

X

Nays

SEZAK

HAWK

EXAMINED AND APPROVED THIS 17th DAY OF August, 2020

DANILLO SEZAK Danilo Slezak
[] MAYOR [] PRESIDENT [] CHAIRPERSON

John Bonita Secretary

17th day of August, 2020