

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	CR-1098-2015
v.	:	
	:	
THOMAS S. BELL,	:	CRIMINAL DIVISION
Defendant	:	

OPINION AND ORDER

On November 5, 2015, the Defendant filed a Motion to Suppress Evidence. A hearing on the motion was held on December 15, 2015.

I. Background

A. Detective Al Diaz’s Testimony

Detective Al Diaz (Diaz) is the supervisor of the Lycoming County Narcotics Enforcement Unit (NEU), which was formed by the District Attorney of Lycoming County. As part of its drug interdiction work, the NEU planned to saturate an area with patrol on May 16, 2015. Diaz asked officers from various police departments in Lycoming County if they wanted to participate in the saturation patrol. Sergeant David Pletz (Pletz) of the Pennsylvania College of Technology Police Department was one of 30 to 40 law enforcement officers who told Diaz that they wanted to participate in the patrol. The officers included members of the state police, agents from the Attorney General’s office, and probation/parole officers from the county and state. During the May 16, 2015 saturation patrol, participating officers looked for violations of the controlled substance act “anywhere in the county.”

B. Sergeant David Pletz’s Testimony

Since 1997, Sergeant Pletz has been an officer in the Pennsylvania College of Technology Police Department. He is normally assigned to the day shift. On May 16, 2015,

Pletz participated in the saturation patrol with his partner Corporal Bowers. Pletz was in full uniform, and he was driving a marked patrol car. On Fourth Street in Williamsport, Pletz saw a vehicle “getting ready to pull out from a stopped position.” He noticed that the vehicle did not have rear lighting. The vehicle proceeded to the traffic light at the intersection of Fourth Street and Campbell Street and then turned onto Campbell Street, where Pletz observed that it still did not have rear lighting. Pletz then stopped the vehicle, which was being driven by the Defendant.

The Pennsylvania College of Technology owns property at Maynard Street and First Street. It also owns property on School Avenue. The traffic stop occurred within 500 yards of both of these properties. Pletz received a check from the Pennsylvania College of Technology as payment for his participation in the saturation patrol on May 16, 2015. The Attorney General reimbursed the college for its payment to Pletz.

C. Arguments

The Defendant argues that the evidence seized after the stop should be suppressed because the stop was unlawful. He argues that the stop was unlawful because Sergeant Pletz was “acting outside of the territorial limits of [his] jurisdiction in violation of the Municipal Police Jurisdiction Act.”¹ The Defendant argues that case law establishes that a police officer can act outside of his jurisdiction to respond to another officer’s request for assistance but only when the other officer “is in need in a specific case at a specific time.” According to the Defendant, the relevant cases “do not stand for the proposition that the District Attorney can assign municipal police officers to patrol the county.” Finally, the Defendant argues that it is irrelevant that the stop occurred within 500 yards of property owned by the Pennsylvania College of Technology because Pletz was not acting as a college police officer when the stop occurred.

¹ 42 Pa.C.S. § 8951 *et seq.*

The Commonwealth asserts that, under the Municipal Police Jurisdiction Act, a police officer can act outside of his jurisdiction where a request for aid has occurred. It argues that Sergeant Pletz was acting in accordance with the act because he was responding to Agent Diaz's request to assist in the saturation patrol. Last, the Commonwealth argues that because Pletz was within his primary jurisdiction, he was authorized to stop the vehicle.

II. Discussion

“Campus police shall have the power and their duty shall be to . . . investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for acts committed on the grounds . . . of the college Except when acting pursuant to [the Municipal Police Jurisdiction Act], campus police shall exercise these powers and perform these duties only on the grounds or within 500 yards of the grounds of the college or university.” 71 P.S. § 646.1(a)(6). “‘Grounds’ means all lands and buildings owned, controlled, leased or managed by a college or university.” 71 P.S. § 646.1(d). Here, Sergeant Pletz testified that the traffic stop occurred within 500 yards of property owned by the Pennsylvania College of Technology. Therefore, Pletz could lawfully issue summary citations and investigate and arrest criminal offenders.

The Court disagrees with the Defendant's argument that Sergeant Pletz was not acting as a Pennsylvania College of Technology police officer. There was no testimony establishing that Pletz has the authority to act as anything other than a Pennsylvania College of Technology police officer. Although the Municipal Police Jurisdiction Act may give a police officer the authority to act in another jurisdiction as if he was within his jurisdiction, it does not make the officer an officer of that other jurisdiction. See 42 Pa.C.S. § 8953(a) (listing the circumstances when an officer outside of his jurisdiction can act as if he was within his jurisdiction). Under the

Municipal Police Jurisdiction Act, an officer remains an officer only of his jurisdiction. In addition, the circumstances support a finding that Pletz was acting as a Pennsylvania College of Technology police officer. Pletz was in full uniform, and he was driving a marked patrol car. In addition, Pletz received a check from the college as payment for his participation in the saturation patrol. These circumstances show that Pletz was acting as a Pennsylvania College of Technology police officer.

III. Conclusion

Sergeant Pletz lawfully stopped the vehicle because the stop occurred within 500 yards of property owned by the Pennsylvania College of Technology.

ORDER

AND NOW, this _____ day of February, 2016, based upon the foregoing Opinion, it is ORDERED and DIRECTED that the Motion to Suppress Evidence is hereby DENIED.

By the Court,

Nancy L. Butts, President Judge