



SENATE RESOLUTION NUMBER 25 OF 1975
REVIEW OF THE "MUNICIPAL POLICE EDUCATION
AND TRAINING LAW" — ACT 120 OF 1974

GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA
LOCAL GOVERNMENT COMMISSION
HARRISBURG, PENNSYLVANIA
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CONTENTS

Senate Resolution 25 1

Introduction 2

Statement of the Problem . . . 4

Recommendations. 6

Appendix (Act 120 of 1974)

RESOLUTION

Serial No. 25 (Not Printed) Senate Journal Page 100

By Senators ANDREWS, MURPHY, SMITH, DWYER,
COPPERSMITH, HILL and STAUFFER

DIRECTING THE LOCAL GOVERNMENT COMMISSION TO REVIEW
THE "MUNICIPAL POLICE EDUCATION AND TRAINING LAW"

In the Senate, February 18, 1975.

WHEREAS, The act of June 18, 1974 (No. 120),
referred to as the Municipal Police Education Training
Law, created the municipal police officer training
program; and

WHEREAS, It is desirable that municipal police
officers receive professional training; and

WHEREAS, The act requires training for part-time
policemen which results in their being away from their
full-time non-police employment for an extended period
of time; and

WHEREAS, Municipalities have insufficient funds to
reimburse the part-time police officer who is on
training for his loss of full-time occupation wages;
therefore be it

RESOLVED, That the Local Government Commission be
directed to review the act and training program to
determine whether the training requirements for
part-time policemen should be altered or whether some
source of funding should be developed to provide for
their lost wages reimbursement; and be it further

RESOLVED, That the Local Government Commission shall
report its findings to the Senate no later than July 1,
~~1975~~ 1976.

Referred to Local Government, February 18, 1975.
Reported as amended, July 14, 1975.
Adopted, September 22, 1975.

INTRODUCTION

Act 120 of 1974, signed into law by the Governor on June 18, 1974, established in Pennsylvania a comprehensive regulatory statute governing the training and instruction of municipal police officers in the Commonwealth. With the creation of the Municipal Police Officers' Education and Training Commission, chaired by the Commissioner of the Pennsylvania State Police and composed of executive, legislative and professional law enforcement personnel, a regulatory body was provided with the power to implement and administer highly-professionalized and comprehensive courses of study and training to enhance the local police officer's ability to perform his essential duties.

One of the areas of paramount concern in the implementation of Act 120 is the education and training of part-time municipal police officers. Although the provisions of the act exclude the City of Philadelphia, local government units to which such education and training applies range from a large industrial metropolis to small, rural municipalities with populations of less than one hundred residents, all of which vitally need trained, qualified local police officers.

It was this essential requirement that all part-time officers also be trained in as thorough a manner as possible (regardless of size and number of the force) which led to the introduction on February 18, 1975 of Senate Resolution Number 25 directing the Local Government Commission to study and review Act 120 in order to determine if provisions relative to part-time police officers should be modified in any way. Such a study, of course, is of particular concern to the small local governmental unit whose entire

police force may be composed of part-time officers. The full-time non-police employment of these officers could be adversely affected by time required in training and study as mandated by Act 120.

In addition, issues involving reimbursement of salary while attending school, payment for substitute police work, and the cost of the program also require intensive examination due to the many differences in the nature of employment between full-time regular police and part-time officers.

STATEMENT OF THE PROBLEM

It is undoubtedly true that as Major Sidney C. Deyo of the Pennsylvania State Police Bureau of Research and Development testified before the Local Government Commission at a meeting on April 10, 1975, "A so-called part-time police officer. . .displays no identification which indicates that he is part-time. . .his uniform is no different. . .his response to a given situation does not differ from that of the so-called full-time police officer. . . he is expected by the public to respond in the same manner that a well-trained police officer would respond." However, it is likewise true that many small municipalities on a limited budget may not have the ability to withstand the high cost of reimbursing their part-time officers for lost wages as a result of attending the comprehensive training sessions imposed by Act 120.

Under Section 10 of the Act, the Municipal Police Officers' Education and Training Commission is required to reimburse to each political subdivision "fifty per cent of the regular salaries of police officers while attending approved schools" as well as "one hundred per cent of the allowable tuition and the ordinary and necessary living and travel expenses incurred". The issue arises as to whether a part-time officer's salary which may well vary from week to week, depending on the number of hours or days actually worked, can truly be considered a "regular" salary, half of which will be reimbursed to the employing political subdivision. However, loss of wages from normal non-police employment of any part-time officer not on a regular salary, but rather paid on either a per diem or an hourly basis, remains a cost which would not be reimbursable under Act 120.

Section 10 also provides that grants may be obtained from the Governor's

Justice Commission for "the payment of salary to a substitute police officer while the permanent officer is attending school". Here too, a serious problem arises with regard to the municipality which employs one or more part-time policemen. When any part-time officer is paid on either an hourly or per diem basis for actual work performed, can he be considered a "permanent officer" within the context of Section 10 so as to entitle the employing municipality payment of salary for substitute police work?

Realistically, if the part-time officer is unable to work for whatever reason, the municipality may have no obligation to pay for services but rather would employ a substitute officer to be paid for actual work which he performs. Thus there would not normally arise a situation where grants would be necessary to absorb the extra cost of paying two salaries. However, in a larger municipality with full-time police officers, absence from police employment due to training school would not deprive the officer of salary but rather would require the payment of an additional salary which could be reimbursable to a substitute officer.

Due to the fact that the Commission established by regulation a 480 hour basic police training curriculum for all municipal police officers, the seriousness of these problems has been substantially magnified. The large number of hours required for training and certification increases the likelihood of severe financial burdens upon municipalities whose entire police force may be composed of part-time officers. Seriously impaired police protection or, in the alternative, costly employment of full-time police officers, could well be the resulting effect upon the smaller local government unit operating with limited financial resources.

RECOMMENDATIONS

Alternative solutions to these problems which directly affect the majority of Pennsylvania's municipalities have been offered by both the Legislature and the Municipal Police Officers' Education and Training Commission.

One possible solution was contained in legislation amending Act 120 by simply eliminating part-time officers from the training mandates of the act. However, this would apparently contradict the effort of Act 120 to provide quality training for part-time officers since they would then be permitted to avoid training altogether.

Although this would indeed alleviate the financial burdens previously discussed, it would also constitute a critical blow to the quality of law enforcement in smaller municipalities. As Major Deyo testified before the Local Government Commission, "I can appreciate the dilemma that you are facing as regards the so-called part-time policemen and their funding aspects but, I wish to impress upon you that, when that officer is walking a beat on the street, or patrolling a section of the city or otherwise performing a police function, there is nothing that differentiates the fact that he holds employment elsewhere and that he could not be expected to have received the very same training that another officer has received".

Another and perhaps more viable proposal was contained in legislation which would require that the Municipal Police Officers' Education and Training Commission "reimburse all part-time police officers for any compensation lost from their regular employment during their period of training under this act". While this proposal solves the financial problems of the

municipalities, its fiscal consequences for the Commonwealth could be staggering.

A steel worker or coal miner, for example, employed part-time as a municipal police officer could cost the Commonwealth more than one hundred dollars per week in lost wages during training sessions. If this figure were multiplied by the large number of part-time officers providing police protection throughout the State over the 480 hour period of training, then it becomes apparent that serious economic pressures would be felt. An in-depth study of the potential cost of this type of amendatory legislation would be necessary and, therefore, serious consideration by the General Assembly of any such action should be postponed until a determination of its fiscal consequences can be made.

Perhaps the solution to part of the problem has already been affected without need for additional legislation. Because the Local Government Commission pointed out these problems to the Municipal Police Officers' Education and Training Commission, a module-type curriculum has been developed. The 480 hour course has been divided into 40 to 46 hour modules, thereby limiting training sessions to ten or twelve hours per week. With the certified schools located throughout the State so as to maximize their accessibility, it is the intent of the Municipal Police Officers' Education and Training Commission to permit the part-time officer to attend such courses without losing substantial time from his normal employment.

Although additional expense and administrative problems arise for the Municipal Police Officers' Education and Training Commission with such a program, Colonel James D. Barger, Chairman of that Commission, stated in

correspondence to the Local Government Commission that "... we believe it a necessity ... (and) ... are also hopeful that municipalities and part-time officers recognize the importance of training for policemen to the same extent as did the many legislators who supported ... (Act 120)."

The Local Government Commission therefore offers the following:

1. We agree with the substantive provisions and intent of Act 120 in providing the highest quality law enforcement through the training program for part-time municipal police officers which has been established by the Municipal Police Officers' Education and Training Commission.

2. It is the policy of the Local Government Commission to implement efforts to provide training for part-time officers rather than to omit them from the program. Additionally, the Local Government Commission recommends an in-depth analysis of the financial effect upon the Commonwealth of any effort to legislatively mandate reimbursement of part-time police officers for time lost from their regular employment caused by the training program requirements.

3. We recommend amendments to Act 120, clearly defining "permanent" and "regular" officer and outlining reimbursable expenses and payments. The Local Government Commission has prepared suitable legislation in this regard.

4. We agree with the principle of setting up modular training programs for part-time police officers and feel that it can, if properly managed, be a viable solution to part of the problem.

5. We find that the Municipal Police Officers' Education and Training

Commission has made an effort to set up programs and certify schools in areas conveniently located throughout the State to meet the training requirements of Act 120 as pertains to full-time police officers; results of efforts to establish programs and certify schools for the modular program are not impressive.

6. We feel that the real problems of the part-time officer still need to be solved. A very limited number of certified modular programs are available, with most being promised only when sufficient applications are received; furthermore, they are not well distributed throughout the Commonwealth. At the time of the preparation of this report, NO CERTIFIED MODULAR PROGRAM WAS BEING CONDUCTED ANYWHERE IN THE COMMONWEALTH, despite the fact that no part-time police officer hired prior to November, 1975 is eligible to be paid without a special waiver and no part-time police could complete the modular program without at least one additional waiver.

A) There is apparently insufficient staff available to develop a census of, and to register, part-time police and to see that these requirements of the act are carried out, although under Section 201.4 of the Rules and Regulations adopted by the Municipal Police Officers' Education and Training Commission such reporting is required by the local municipalities. We recommend that staffing be implemented at once and authority to conduct such a registration be given to staff by the Municipal Police Officers' Education and Training Commission, and that sufficient "teeth" be added to make compliance with the requirements desirable to local governments if necessary.

B) No one is coordinating the applications with available programs.

We recommend that the registering group noted above also be responsible for this coordination.

C) No provision has apparently been considered to cope with the problem of modular programs when the number of applicants is small. This condition will become particularly acute when the initial rush of present part-time officers for training has been satisfied and new part-timers are hired in the future. Since it is quite possible that a given "training district" providing the modular programs might not receive, even within a year, a sufficient number of applicants, we therefore recommend that immediate attention be given to this problem, perhaps through consideration of already proposed external study programs. Such a program would allow for a rolling, open enrollment system that could eliminate many of the logistical and financial problems of the part-time trainee.

7. There has been exemplary cooperation between the Municipal Police Officers' Education and Training Commission staff and the Local Government Commission, however, an apparent lack of cooperation on the part of the Municipal Police Officers' Education and Training Commission has become evident. Therefore, to protect the interests of local municipalities the Local Government Commission feels that one of its representatives should be made a permanent advisor to the Municipal Police Officers' Education and Training Commission and would recommend legislation to that effect.

8. Some concern was expressed by the staff of the Municipal Police Officers' Education and Training Commission that the offering of amendments to Act 120 might be used by opponents to weaken or otherwise subvert the

intent of the act; in order to avoid this, perhaps the above noted recommendations could be implemented through alteration of the existing Rules and Regulations as already promulgated by the Municipal Police Officers' Education and Training Commission; otherwise legislative consideration of these problems will be needed.

9. The Local Government Commission believes training of all police officers is advisable. Smaller municipalities who of necessity employ part-time officers should be accomodated by the Municipal Police Officers' Education and Training Commission in order to continue with at least minimal police protection.

No. 120

AN ACT

HB 531

Creating the Municipal Police Officers' Education and Training Commission; providing for the commission's membership, selection, compensation, and removal; providing for the powers and duties of the commission; providing for the appointment and duties of the chairman; providing for the act's applicability to the civil service laws; requiring training by certain political subdivisions and police departments; providing penalties for violation thereof; and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Municipal Police Officers' Education and Training Program.—The commission shall establish a Municipal Police Officers' Education and Training Program in accordance with the provisions of this act. The administration of this program shall be the responsibility of the Pennsylvania State Police.

Section 2. Definitions.—As used in this act:

(1) "Commission" means the Municipal Police Officers' Education and Training Commission.

(2) "School" means a training school or academy which provides a basic police training course within the functional organization of a police department or departments or any educational facility within the Commonwealth of Pennsylvania.

(3) "Police officer" means any full-time or part-time employe, of a city, other than a city of the first class, borough, town, township or county police department assigned to criminal and/or traffic law enforcement duties, but shall exclude persons employed to check parking meters and/or to perform only administrative duties, auxiliary and fire police.

(4) "Police department" means any public agency of a political subdivision having general police powers and charged with making arrests in connection with the enforcement of the criminal and/or traffic laws.

(5) "Commissioner" means the Commissioner of the Pennsylvania State Police.

(6) "Political subdivision" means any county, city, other than a city of the first class, borough, incorporated town or township.

Section 3. The Municipal Police Officers' Education and Training Commission; Creation.—There is hereby created a Municipal Police Officers' Education and Training Commission.

Section 4. Commission Members; Selection, Compensation and Removal.—(a) The commission shall be composed of seventeen members as follows:

- (1) The Secretary of the Department of Community Affairs.
- (2) The Attorney General of the Commonwealth.
- (3) The Commissioner of the Pennsylvania State Police, who shall serve as chairman of the commission.
- (4) A member of the Senate of Pennsylvania, to be appointed by the President pro tempore of the Senate.
- (5) A member of the Pennsylvania House of Representatives, to be appointed by the Speaker of the House of Representatives.
- (6) Three elected officials of the various political subdivisions of the Commonwealth, to be appointed by the Governor; one to be a borough official, one a township official, and one a city official.
- (7) Four incumbent chiefs of police from the various political subdivisions of the Commonwealth, to be appointed by the Governor; at least one to be a chief of a borough police department, at least one to be a chief of a township police department, at least one to be a chief of a city police department.
- (8) One Federal Bureau of Investigation special agent-in-charge to be appointed by the Governor.
- (9) One educator qualified in the field of law enforcement, to be appointed by the Governor.
- (10) One member representing the public at large, to be appointed by the Governor.
- (11) Two noncommissioned police officers to be appointed by the Governor.

(b) All members of the commission appointed by the Governor shall serve for a period of three years except that upon the effective date of this act, the Governor shall appoint two police chiefs for a period of three years, one police chief for a period of two years, and one police chief for a period of one year. Any member of the commission shall, immediately upon termination of his holding of the position by virtue of which he was eligible for membership or appointed as a member of the commission, cease to be a member of said commission.

(c) A member appointed to fill a vacancy created by other than expiration of a term shall be appointed for the unexpired term of the member whom he is to succeed in the same manner as the original appointment.

(d) The members of the commission shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the commission and in the performance of their duties under this act.

(e) Members of the commission may be removed by the Governor for cause after written notice from the Governor.

Section 5. Powers and Duties of the Commission.—The powers and duties of the commission shall be as follows:

- (1) To establish the minimum courses of study and training for municipal police officers.

(2) To establish courses of study and in-service training for municipal police officers appointed prior to the effective date of this act.

(3) To approve or revoke the approval of any school which may be utilized to comply with the educational and training requirements as established by the commission.

(4) To establish the minimum qualifications for instructors.

(5) To promote the most efficient and economical program for police training by utilizing existing facilities, programs and qualified State, local and Federal police personnel.

(6) To make an annual report to the Governor and to the General Assembly concerning (i) the administration of the Municipal Police Officers' Education and Training Program, and (ii) the activities of the commission, together with recommendations for executive or legislative action necessary for the improvement of law enforcement and the administration of justice.

Section 6. Powers and Duties of the Commissioner.—The duties of the commissioner shall be as follows:

(1) To implement and administer the minimum courses of study and training for municipal police officers as set by the commission.

(2) To issue certificates of approval to schools approved by the commission and to withdraw certificates of approval from those schools disapproved by the commission.

(3) To certify instructors pursuant to the minimum qualifications established by the commission.

(4) To implement and administer courses of study and in-service training for municipal police officers appointed prior to the effective date of this act as established by the commission.

(5) To consult, and cooperate with, universities, colleges, community colleges and institutes for the development of specialized courses for municipal police officers.

(6) To consult and cooperate with, departments and agencies of this Commonwealth and other states and the Federal Government concerned with police training.

(7) To certify police officers who have satisfactorily completed basic educational and training requirements as established by the commission and to issue appropriate certificates to such police officers.

(8) To visit and inspect approved schools at least once a year.

(9) To make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers.

Section 7. Meetings; Quorum.—The chairman shall summon the members of the commission to the first meeting within one hundred twenty days of enactment. The commission shall meet at least four times each year. Special meetings may be called by the chairman of the commission, or upon written request of five members. A quorum shall consist of nine members of the commission.

Section 8. Applicability to the Civil Service Laws.—Nothing in this act shall be construed to exempt any police officer or other officer or employe from the provisions of the existing civil service laws or the tenure act.

Section 9. Police Training Mandatory; Penalties.—All political subdivisions of the Commonwealth or groups of political subdivisions acting in concert shall be required to train all members of their police departments hired by them after the effective date of this act, pursuant to the provisions of this act.

Any person hired as a municipal police officer by any political subdivision or group thereof acting in concert after the effective date of this act shall be at the end of one year from the date of his employment ineligible to receive any salary, compensation or other consideration or thing of value for the performance of his duties as a police officer unless he has met all of the requirements as established by the Municipal Police Officers' Education and Training Commission and has been duly certified as having met those requirements by the commissioner, unless the police officer is granted additional time to complete his training by the commissioner. However, such persons hired as a municipal police officer will be given a grace period of two years from the effective date of this act before he becomes ineligible to receive salary, compensation or other consideration of thing of value.

Any official of any political subdivision who orders, authorizes or pays as salary to a person in violation of the provisions of this act shall on summary conviction thereof be sentenced to pay a fine of one hundred dollars (\$100) or be imprisoned for a term not to exceed a period of thirty days.

Section 10. Reimbursement of Expenses.—(a) The commission, through the commissioner, shall provide for reimbursement to each political subdivision of one hundred per cent of the allowable tuition and the ordinary and necessary living and travel expenses incurred by their officers while attending certified municipal police basic training schools, providing said political subdivision adheres to the training standards established by the commission. The regular salary of police officers while attending approved schools, within the meaning of this act, shall be paid by the employing political subdivision. Fifty per cent of the regular salaries of police officers while attending approved schools within the meaning of the act shall be reimbursed by the commission to the employing political subdivision. This act shall not be construed to preclude the employing political subdivision from applying for grants from the Governor's Justice Commission under the Omnibus Crime Control and Safe Streets Act of 1968 for the payment of salary to a substitute police officer while the permanent officer is attending such school.

(b) The commission, through the commissioner, shall provide grants as a reimbursement for actual expenses incurred by political

subdivisions of the Commonwealth for the providing of training programs to policemen from other jurisdictions within the Commonwealth, in accordance with this act.

(c) All political subdivisions of the Commonwealth or groups of political subdivisions acting in concert may make application to the commissioner for funding pursuant to the provisions of this act. The application shall be accompanied by a certified copy of a resolution or resolutions adopted by its governing body or bodies providing that, while receiving any State funds pursuant to this act, the political subdivision of the Commonwealth or group of political subdivisions acting in concert will adhere to the standards for training established by the commission. The application shall contain such information as the commissioner may request.

Section 11. Repeals.—All acts or parts of acts inconsistent with the provisions of this act are repealed to the extent of such inconsistency.

Section 12. Appropriation.—The sum of five hundred thousand dollars (\$500,000), or as much thereof as may be necessary, is hereby appropriated for the fiscal year beginning July 1, 1973 and ending June 30, 1974 to the Pennsylvania State Police for the use of the Municipal Police Officers' Education and Training Commission in carrying out the provisions of this act.

Section 13. Effective Date.—This act shall take effect immediately.

APPROVED—The 18th day of June, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 120.

A handwritten signature in cursive script, reading "C. McLaughlin Tucker".

Secretary of the Commonwealth.