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Follow-Up Study Concerning the Legal Status of the Municipal Police Officers' Education and Training Commission (MPOETC)

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I. INTRODUCTION

The Legislative Budget and Finance Committee (LB&FC) at its meeting on April 22, 1987, adopted a limited scope follow-up study of the Municipal Police Officers' Education and Training Commission (MPOETC). The objective of the study is to develop further information on the current administrative and organizational placement of the Commission in relation to an alternative administrative and organizational status as illustrated by existing Commonwealth agencies.

The final report consists of five sections, plus Appendices: Section I provides introductory information; Section II describes the current administrative/organizational placement of the MPOETC and a discussion of the various administrative structures of existing Commonwealth agencies; Section III presents information on areas that may be affected by the proposed independent classification of the MPOETC; Section IV provides comments from MPOETC Commissioners and other interested persons regarding the organizational placement of the MPOETC; and Section V provides background information on POST Commissions in other states.

During this study, the assigned LB&FC staff team met and/or interviewed officials of various Commonwealth agencies including, for example, the State Police, Office of General Counsel, Office of the Budget, Office of the Comptroller, Office of Administration and the PA Commission on Crime and Delinquency. The project team also spoke with officials of interested associations and contacted POST Commissions in other states. Additionally, a questionnaire was distributed to MPOETC members. The Administrative Code and the enabling legislation for various Commonwealth entities, both independent and departmental, were reviewed to provide information regarding existing organizational arrangements in the Commonwealth.

The LB&FC staff team worked under the direction of the LB&FC Executive Director, Richard D. Dario, and the Assistant Chief Analyst, Robert C. Frymoyer. The Team Leader for the study was Patricia A. White. Chrystal L. Prosser, Analyst, and Martin D. Shoop, Junior Analyst, were full-time members of the team. Angela N. Dobrinoff, Junior Analyst, worked part-time on this project. Legal services were provided by Patricia A. Berger, Staff Attorney. Beverly Brown, Shannon Opperman and Krista Williard provided secretarial assistance, and Charles V. Saia provided additional staff assistance.

Development of this report was greatly facilitated by the outstanding cooperation received from the Municipal Police Officers' Education and Training Commission (MPOETC), in particular, Major Daniel A. Spang, Executive Director. Appreciation is also extended to Commissioner John K. Schafer, Lt. Col. Dellarciprete and other members of the Pennsylvania State Police; the Pennsylvania Commission on Crime and Delinquency and various law enforcement associations who gave generously of their time and knowledge.

Any questions or comments regarding this report should be directed to Richard D. Dario, Executive Director, Legislative Budget and Finance Committee, Room 400, Finance Building, P. O. Box 8737, Harrisburg, Pennsylvania, 17105-8737.

II. ORGANIZATIONAL AND ADMINISTRATIVE CHARACTERISTICS OF THE MPOETC AND CERTAIN COMMONWEALTH EXECUTIVE BRANCH AGENCIES

The Municipal Police Officers' Education and Training Commission (MPOETC) was statutorily created by Act 1974-120 and charged to establish the Municipal Police Officers' Education and Training Program. The Commission is comprised of 19 members, some of whom are appointed by the Governor to represent a variety of interests, including, for example, elected officials of a borough, first class township, second class township, a city and several chiefs of police. The responsibility for administration of the training program was given, by statute, to the Commissioner of the Pennsylvania State Police (PSP).

In order to establish the training program, the Act provides the Commission with specific powers and duties which include the establishment of minimum courses of study and training for municipal police officers, the establishment of study and in-service training for municipal police officers, and the approval or revocation of approval of any school which may be utilized to comply with the educational and training requirements. The Act also provides specific authority to the Commissioner of the PA State Police in order to administer the training program which includes the implementation and administration of the minimum courses of study and training set by the Commission, the issuance of certificates of approval to schools, and the certification of instructors pursuant to the minimum qualifications established by the Commission.

Although the Commission is created by Act 1974-120, neither the statute nor the Administrative Code specifically places the MPOETC as a departmental commission within the PA State Police. The Commission is also not designated as an independent Commission in its statute, the Administrative Code or the Commonwealth Attorneys Act. It should be noted, however, that the Commission is currently carried on the organizational chart of the PA State Police reporting directly to the Commissioner of the State Police. The following items provide more information on the organizational and administrative characteristics of the Commission. Please also see Appendix A for further discussion concerning the ambiguity in the organizational placement of the Commission.

Organizational and Administrative Characteristics of the MPOETC

- The MPOETC is not defined as a departmental administrative entity in the Administrative Code or its enabling legislation (Act 1974-120).
- The MPOETC is not defined as an independent agency in its enabling legislation, the Administrative Code or the Commonwealth Attorneys Act.
- Administration of the Commission's Programs is a responsibility of the Commissioner of the PA State Police, who also serves as the Chairman of MPOETC.
- The MPOETC is set forth on the PA State Police organizational chart under the Commissioner of the PA State Police via a straight line of authority. See Exhibits C and D for the organizational charts of the Commission and the PA State Police.

- The current Executive Director is a Major in the PA State Police ranks and is appointed by the Commissioner of the PA State Police.
- Eight other staff positions on the PA State Police complement who are associated with and partially paid for by the MPOETC include an administrative officer, personnel analyst, budget analyst and clerical staff.
- The PA State Police provides administrative support services including, for example, personnel administration, computer software development, purchasing, research and car and building maintenance for MPOETC.
- The budget of the MPOETC is included within the PA State Police budget as a specific appropriation. This budget request is partially developed by the staff associated with the MPOETC and has included Commission input.

Organizational and Administrative Characteristics of Selected Independent Agencies

The Administrative Code of 1929, Act 1929-175, as amended (71 P.S. §51 et seq.), organizes the government of the Commonwealth into the following administrative structures: administrative departments; independent administrative boards and commissions; departmental administrative boards, commissions and offices; and advisory boards and commissions. It should be noted, however, that there are exceptions to these administrative structures. For example, the PA Turnpike Commission was created as an instrumentality of the Commonwealth by Act 1937-211, as amended, (36 P.S. §652(a) et seq.).

While enumerating various Commonwealth entities which are within each structural category, the Administrative Code does not provide a clear definition of the distinctive features of each. While the Commonwealth Attorneys Act, Act 1980-164, as amended (71 P.S. §732-101 et seq.) enumerates those agencies which are independent for the purposes of that Act, it does not identify the characteristics of an independent agency. The project staff was also not able to identify in statute an aggregated list of those agencies which fall under the Governor's jurisdiction. In order for the project staff to examine the functions and composition of independent boards and commissions, it was necessary to review the specific statutes creating each.

The enabling legislation for nine selected independent Commonwealth agencies was reviewed and telephone contact was made with officials in each of the agencies. The independent agencies reviewed include the State Civil Service Commission, PA Crime Commission, PA Historical & Museum Commission, PA Game Commission, State Ethics Commission, Milk Marketing Board, PA Securities Commission, PA Turnpike Commission and the PA Housing Finance Agency. The following information and that contained on Exhibit A is a compilation of the information gathered by the project staff.

- The independent agencies are not associated with or a part of any other Commonwealth agency.
- The independent agencies are responsible for the administration of their legally mandated duties.

- The independent agencies employ their own staff.
- Excepting the PA Turnpike Commission and the PA Housing Finance Agency (in part), the independent agencies submit their budget to the Governor's Office of the Budget.
- Generally, the independent agencies reviewed use Comptroller services.
- For the independent agencies reviewed:
 - 5 out of 9 use Civil Service Commission services; the other agencies independently recruit, test and place prospective employees.
 - 6 out of 9 select/elect their own chairman from their membership; the other agencies' chairmen are appointed by the Governor.
 - all 9 select their own Executive Director.
 - 7 out of 9 independently recruit and employ their legal staff; the remaining two agencies utilize the services of the Office of General Counsel.
 - 5 out of 9 have their personnel complement level controlled by the Office of the Budget (OB)/Office of Administration (OA); the other agencies independently control their complement level, based upon budgetary constraints.
 - 7 out of 9 of the agencies' appropriation requests are determined by the Governor's Office of the Budget.
 - 7 out of 9 use State Administration Management Directives/Administrative Circulars for the most part and when applicable.
 - 5 out of 9 have their organizational setup approved by the Executive Board.

Organizational and Administrative Characteristics of Selected Departmental Administrative Agencies

As stated above, the Administrative Code provides for various types of administrative entities in the Commonwealth. Included in these categories are departmental boards/commissions which are statutorily associated with specific departments of the Commonwealth. With regard to the departmental boards/commissions, the Administrative Code also states that these entities shall exercise their power and perform their duties independently of the departments with which they are connected, unless the issue involves the expenditure of money. In that instance, the departments have the right to decide upon the necessity and propriety of any expenditure or proposed expenditure.

The project staff reviewed the enabling legislation and contacted officials of seventeen selected departmental boards/commissions. The sample of those departmental boards/commissions reviewed included seven chosen at random

from the list provided in the Administrative Code (71 P.S. §62) and ten departmental boards/commissions within the Department of State. The latter ten were included in order to provide information on recent enactments of the General Assembly. The information presented below and illustrated on Exhibit B provides a listing of the departmental boards/commissions and the results of the review and telephone contacts.

- For the most part, the board/commissions' staff function is performed by employees of a department except in those cases in which the entity is given the authority in statute to select its own Executive Director/Secretary.
- Administrative support services are provided by the department.
- All of the departmental boards/commissions use the Office of General Counsel (OGC) attorney(s) assigned to the department.
- Through their association with a department, the boards/commissions use the services of the Civil Service Commission, follow the Commonwealth Pay Schedule and use the services of the department's comptroller.
- The departmental boards/commissions also follow the Department of General Services (DGS) contracting and procurement procedures and follow the Management Directives/Administrative Circulars set forth by the Governor's Office.
- For those departmental boards/commissions reviewed:
 - 12 out of 17 have their Chairman elected by Members.
 - 12 out of 17 have their Executive Director appointed by the department; the remaining 5 select their Executive Director.
 - 10 out of 17 (all Bureau of Professional and Occupational Affairs boards/commissions) submit their budget request directly to House and Senate Appropriations Committees in addition to the department with which they are associated (State).

EXHIBIT A

REVIEW OF SELECTED INDEPENDENT COMMONWEALTH AGENCIES

<u>Board/Comm./ Agency</u>	<u>Elect Chair- man</u>	<u>Select Exec. Dir.</u>	<u>Executive Board Approval For Organizational Setup</u>	<u>Follow Mgmt. Dir.'s/Admin. Circulars^{a/}</u>	<u>Use Civil Service</u>	<u>Use Cmwlth. Pay Scale</u>	<u>OB/OA Complement Level Control</u>	<u>Use Office Of General Counsel</u>	<u>Approval of Budget Request and Allocations</u>
Ethics.....	Comm.	Comm.	No	Yes	No	Yes ^{b/}	No	No	Gov. ^{c/} /Leg.
Civil Service...	Gov.	Comm.	Yes	Yes	Yes	Yes	Yes	No	Gov. ^{c/}
Game.....	Comm.	Comm.	Yes	Yes	Yes	Yes	Yes	No	Gov. ^{c/}
Milk Mark. Board....	Gov.	Comm.	Yes	Yes	Yes ^{b/}	Yes	Yes	No	Gov. ^{c/} /Leg. ^{g/}
Historical & Museum.	Gov.	Comm. ^{d/}	Yes	Yes	Yes ^{b/}	Yes	Yes	Yes	Gov. ^{c/} /Leg. ^{g/}
Crime.....	Comm.	Comm.	No	Yes	No	Yes	No	No	Gov. ^{c/} /Leg.
Securities.	Comm./ Gov.	Comm.	Yes	Yes	Yes ^{b/}	Yes	Yes	No ^{e/}	Gov. ^{c/} /Leg.
Turnpike ^{f/} ..	Comm.	Comm.	No	No	No	No	No	No	Comm.
Housing Finance ^{f/} ..	Agency/ Board	Agency/ Board	No	No	No	No	No	Yes	Agency/ Board/Leg. ^{g/}

^{a/}Centralized policy guidelines providing administrative direction in areas such as data processing management, automobile services, personnel management, etc.

^{b/}Does not apply to all positions.

^{c/}Governor's Office of the Budget.

^{d/}With Governor approval.

^{e/}Only for consulting purposes.

^{f/}Referred to as instrumentalities.

^{g/}Budget approved in part by the Legislature.

Source: Review of agency enabling legislation and/or telephone interviews.

EXHIBIT B

ADMINISTRATIVE CHARACTERISTICS OF SELECTED DEPARTMENTAL BOARDS/COMMISSIONS

<u>Board/Commission</u>	<u>Location</u>	<u>Elect Own Chairman</u>	<u>Selection of Exec. Director</u>	<u>Approval of Budget Request and Allocation^{b/}</u>
State Farm Products Show Commission	Dept. of Agriculture	No ^{a/}	Commission	Dept./Gov./ Legislature
State Workmen's Insurance Board	Dept. of Labor & Industry	Yes	Department	Dept./Gov./ Legislature
State Board for Certification of Sewage Treatment Plant & Waterworks Operators	Department of Environmental Resources	Yes	Department	Dept./Gov./ Legislature
State Art Commission	Department of Gen. Services	No ^{c/}	Department	Dept./Gov./ Legislature
State Board of Vocational Rehabilitation	Dept. of Labor & Industry	No ^{d/}	Department	Dept./Gov./ Legislature
PA Drug, Device and Cosmetic Board	Department of Health	No ^{e/}	Department	Dept./Gov./ Legislature
Industrial Board	Dept. of Labor & Industry	No ^{d/}	Department	Dept./Gov./ Legislature
State Board of Physical Therapy	Department of State	Yes	Commissioner of BPOA	Dept./Gov./ ^{f/} Legislature
State Board of Pharmacy	Department of State	Yes	Bd. selects Exec. Sec. w/ approval of Commissioner	Dept./Gov./ ^{f/} Legislature
State Board of Optometry	Department of State	Yes	Commissioner of BPOA	Dept./Gov./ ^{f/} Legislature
State Board of Osteopathic Medicine	Department of State	Yes	Bd. elects Secretary w/ approval of Commissioner	Dept./Gov./ ^{f/} Legislature

See footnotes on next page.

EXHIBIT B

ADMINISTRATIVE CHARACTERISTICS OF SELECTED DEPARTMENTAL BOARDS/COMMISSIONS (continued)

<u>Board/Commission</u>	<u>Location</u>	<u>Elect Own Chairman</u>	<u>Selection of Exec. Director</u>	<u>Approval of Budget Request^{b/} and Allocation^{f/}</u>
State Board of Nursing	Department of State	Yes	Bd. selects Exec. Sec. w/ approval of Commissioner	Dept./Gov./ ^{f/} Legislature
State Board of Barber Examiners	Department of State	Yes	Commissioner of BPOA	Dept./Gov./ ^{f/} Legislature
State Board of Accountancy	Department of State	Yes	Commissioner of BPOA	Dept./Gov./ ^{f/} Legislature
State Board of Auctioneer Examiners	Department of State	Yes	Commissioner of BPOA	Dept./Gov./ ^{f/} Legislature
State Board of Nursing Home Administrators	Department of State	Yes	Bd. may select personnel w/ approval of Commissioner	Dept./Gov./ ^{f/} Legislature
State Board of Cosmetology	Department of State	Yes	Commissioner	Dept./Gov./ ^{f/} Legislature

a/So designated in statute as the Secretary of Agriculture.

b/Secretary submits agency budget request to Governor's Office. The Governor's Executive Budget Request is then submitted to the General Assembly for appropriation of funds. In some cases, the auditors were made aware that the board or commission initially submits its request to the Secretary of the Department, whereas in others, there is no such involvement by the Board/Commission.

c/Governor appointed.

d/So designated in statute as the Secretary of Labor and Industry.

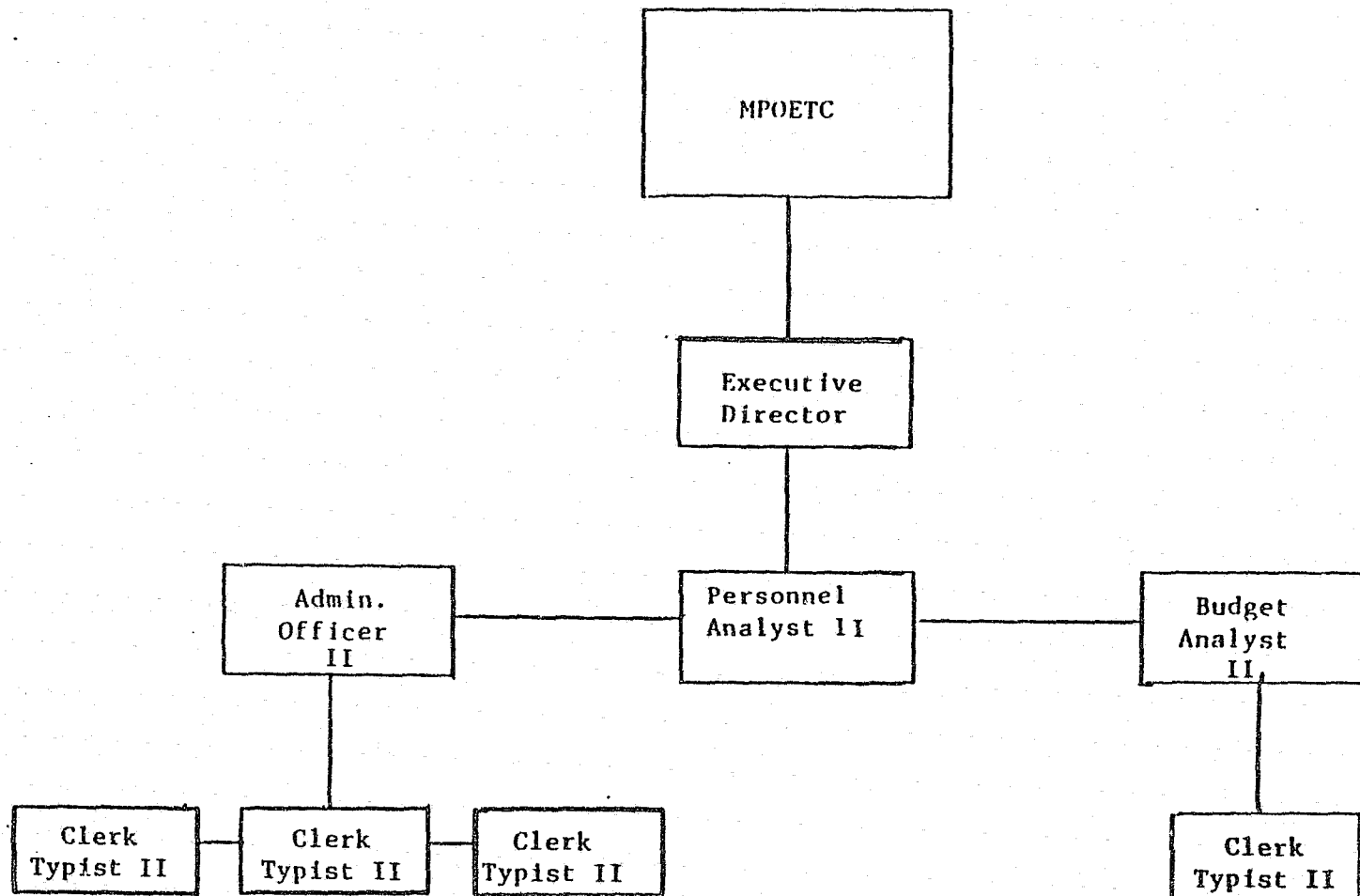
e/So designated in statute as the Secretary of Health or his designee.

f/The Board is to submit a financial estimate of its needs to the Department of State. Additionally, the Board is to submit to the House and Senate Appropriations Committees the same financial estimate, as submitted to the Department, within 15 days after the Governor has submitted his budget to the General Assembly.

Source: Developed by the LB&FC study team.

EXHIBIT C

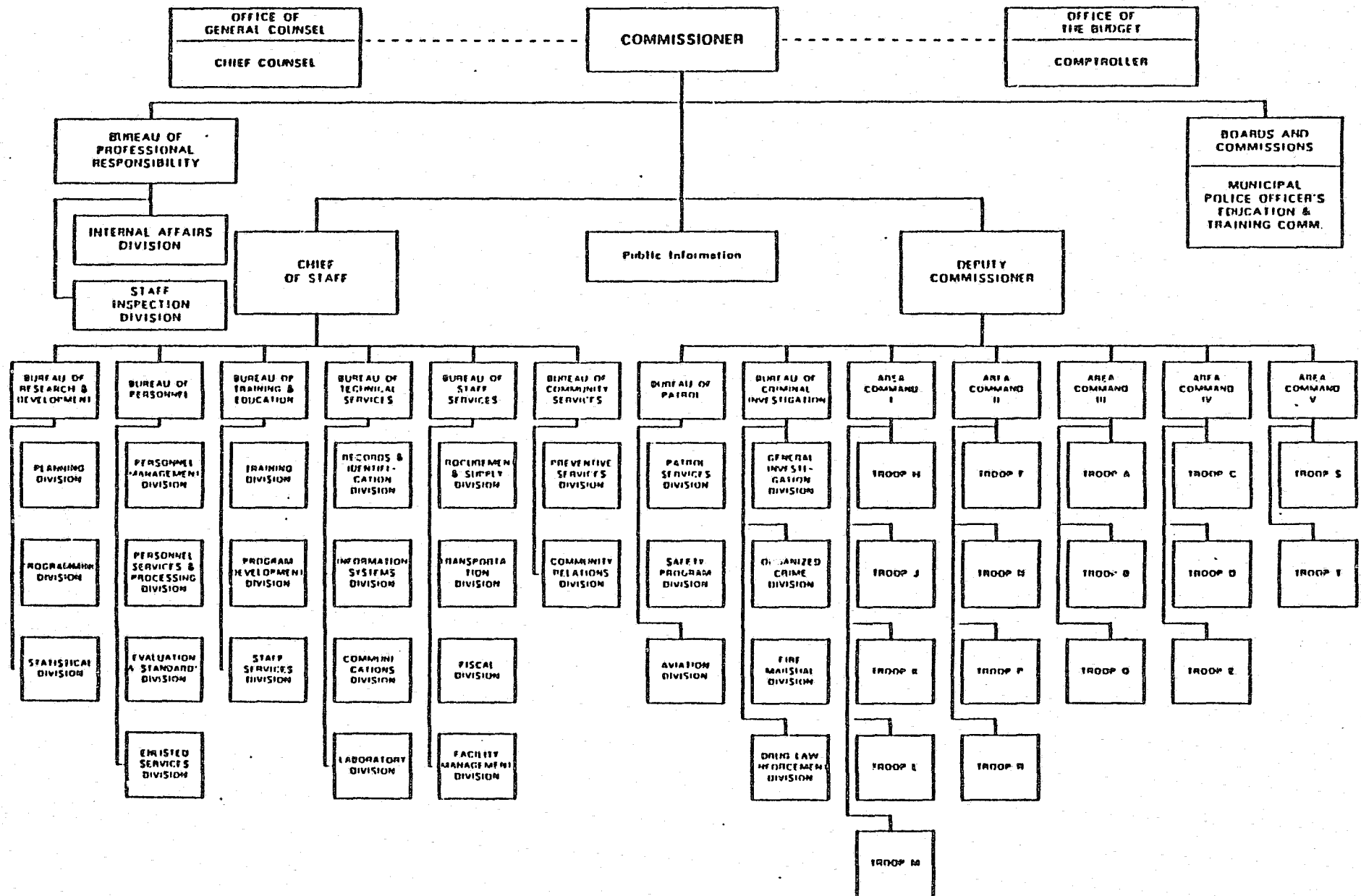
Organizational Chart of the MPOETC Staff



Source: September 12, 1985 Municipal Police Officers' Education and Training Commission official meeting minutes.

Organizational Chart of the Pennsylvania State Police

PENNSYLVANIA STATE POLICE



III. ADMINISTRATIVE/FISCAL AREAS WHICH MAY BE AFFECTED BY CLASSIFYING THE MPOETC AS AN INDEPENDENT AGENCY

As discussed in Section II of this report, the MPOETC is included on the organizational chart of the PA State Police. The PA State Police provides administrative support to the Commission as well as staff services, and, as previously mentioned, the Commissioner of the PA State Police is responsible for the administration of the Program. The project team attempted to identify those organizational and administrative areas which may be affected if the MPOETC were to be classified as an independent agency.

The items identified on Exhibit E include those relating to the selection of the Chairman and the Executive Director, budgeting, and administrative support services changes. As illustrated by the Exhibit, certain administrative support services are presently provided by the PA State Police and may result in changes ranging, for example, from the possibility of hiring an outside attorney to assuming responsibility for all printing and reproduction services.

EXHIBIT E

ADMINISTRATIVE/FISCAL AREAS WHICH MAY BE AFFECTED BY
CLASSIFYING THE MPOETC AS AN INDEPENDENT AGENCY

<u>Current</u>	<u>Possible Changes</u>
1. The PA State Police (PSP) Commissioner designated by statute as the Chairman of the MPOETC	Method of selecting the Chairman, e.g., a rotating chairmanship, election by membership, or appointment by the Governor
2. Program administration responsibility statutorily assigned to the PA State Police Commissioner	Assign program administration responsibility to the Commission and/or Executive Director
3. Executive Director of the Commission is currently an officer of the PA State Police and selected by the PSP Commissioner	Method of selection of Executive Director, e.g., Commission selects Executive Director
4. The MPOETC is administratively within the PA State Police	Not located within any other department or agency
5. The MPOETC pays for a part-time staff of 9 employees, including, for example: Executive Director (75%), Admin. Officer II (50%), Personnel Analyst II (60%), Budget Analyst II (95%) and clerical staff (50-100%)	Make provisions for employing its own fulltime staff
6. The MPOETC receives legal services from the Office of General Counsel via the PA State Police (the MPOETC pays for attorney's expenses only)	Hire staff attorney, retain outside counsel or arrange for attorney services directly through the Office of General Counsel
7. Various centralized Commonwealth services are provided through PSP (Auditor General, Comptroller, Treasury, Civil Service)	Assume costs for these centralized Commonwealth services
8. MPOETC owns one personal computer and software and utilizes the PA State Police mainframe and several software development services	Make arrangements for use of criminal justice data base networks and full utilization of existing & future MPOETC owned computer facilities, including personnel
9. Building & facilities provided by the PA State Police, the MPOETC pays the utilities	Make arrangements for use of a building and facilities

EXHIBIT E
(continued)

- | | |
|---|---|
| 10. Personnel administration is currently provided by the PA State Police | Assume direct responsibility for provision of personnel administration |
| 11. Some aspects of budget request developed with assistance from the PA State Police, Bureau of Staff Services | Develop budget internally |
| 12. Printing and reproduction of major projects (annual report and newsletter) is provided by the PA State Police | Assume responsibility for all printing and reproduction services and/or personnel |
| 13. Some purchasing handled in-house, the PSP, Bureau of Staff Services, provides additional purchasing services | Assume responsibility for the provision of all purchasing services, e.g., the acquisition of car, computer etc. |
| 14. Most office supplies are provided and paid for by the PA State Police | Assume responsibility for the provision of all office supplies from the MPOETC appropriation |
| 15. The PSP staff assigned to the MPOETC processes tuition, salary and expense reimbursements to municipalities | MPOETC would have to directly hire staff for this purpose |
| 16. The PSP staff assigned to the MPOETC conducts school inspections | MPOETC would have to directly hire staff for this purpose |

Source: Developed by LB&FC staff.

IV. COMMENTS RECEIVED FROM THE COMMISSIONERS AND OTHER INTERESTED PARTIES REGARDING THE ORGANIZATIONAL PLACEMENT OF THE MPOETC

The project team attempted to identify the perceived strengths and weaknesses of the current MPOETC administrative placement as compared to an independent administrative status. Opinions of Commission members were solicited via questionnaires. Interviews were conducted with MPOETC staff members, PA State Police officials and representatives of interested organizations. Results of these efforts are summarized below. Please also see Exhibit F for a verbatim compilation of comments received.*

- Eight (42%) of the Commissioners responded to the questionnaire.
- At least three (38%) of the Commissioners responding were in favor of PA State Police administration of the Program.
- Five (63%) of the Commissioners responding were in favor of reducing the degree of PA State Police administration of the Program.
- Suggested changes for the administrative placement of the MPOETC varied along a continuum from the MPOETC being completely independent, to the MPOETC being a departmental commission within the PA State Police, to the Commission being administratively placed within another agency (for example, the Pennsylvania Commission on Crime and Delinquency or the Office of Attorney General).
- Some respondents suggested changes as to the designation of the Commission Chairman and as regards the selection of the Executive Director.

* Letters between the Commissioner of the PA State Police and the Secretary of Administration were also received by the LB&FC staff on this matter and are included as Exhibits G and H.

EXHIBIT F

COMMENTS EXPRESSED TO THE AUDITORS CONCERNING ADMINISTRATIVE ALTERNATIVES

Administrative Issues Related to Maintaining/Changing The MPOETC Organizational Placement

Chairmanship

- The Commissioner of the PA State Police should be a member of the Commission. The Commission would elect its Chairman.
- The Commissioner of the PSP should serve on the Commission but not "chair" this Commission.
- It should have a Commission chairman elected by the majority of its members.
- The State Police Commissioner is much too busy to devote enough time to the Commission.
- It would be preferable if the Chairman of the Commission and the Executive Director would be chosen by the Commission.
- Under the current organizational structure, the PSP Commissioner has the necessary control over the staff to assure their performance...
- A revolving MPOETC chairmanship would not be beneficial because it appears that many MPOETC commissioners are unaware of the workings of the commission and what the job actually entails.

Executive Director

- The Executive Director of the Commission staff would be appointed by the Commission. He and his staff would serve the Commission.
- The Executive Director and staff should be appointed by a subcommittee of Commission members.
- [If independent] It would have direct control over the executive director whom it would appoint, and the staff.
- The Executive Director would have more independence if he was not a state police officer.
- [If independent,] The Executive Director would answer only to the Commission.
- It might be helpful if the MPOETC Executive Director would be chosen from the PSP ranks with Commission input because this individual would be answerable to the administrator of the Program...

EXHIBIT F
(cont.)

- ...having the Executive Director directly responsible to the Commissioner of the PSP has improved the lines of communication between the Commission and the PSP...

Staffing

- [If independent] Would free staff from present involvement in the "Lethal Weapons Act" operation, totally unrelated to prime mission of municipal police education and training.
- [If independent] Commission members would have more control over supervision and evaluation of staff as well as programs.
- [If independent] The staff would function more smoothly with the one job of working for the Commission.
- We need a new law. We also need state police participation. In fact the current Exec. Dir., Major Spang is ideally suited for the post, and the Commission was involved in his selection (courtesy of Comm. Cochran). There is no reason why a full staff complement to serve the Commission including the Exec. Director, should not come from State Police ranks, but they should be detached from State Police Chain-of-Command while in the position. Further, a full staff complement would require a minimum of some 25 competent people, and they should not be involved with lethal weapons training.
- A tendency on the part of PSP to treat the MPOETC as a Cinderella--as I understand it, years ago the MPOETC had a far larger staff which was systematically eliminated over the years by the PSP.
- The staff was reduced without justification in my opinion. I believe certain members of the State Police put the MPOETC in a low priority status.
- Further development and progressive evolution of the MPOETC is... dependent on the MPOETC having control over its budget and staff whether as a departmental commission or an independent entity.
- If the MPOETC were to become independent, it would need to have staff to perform a number of additional duties not currently being performed by the MPOETC staff which may include purchasing, personnel, support staff, maintenance, computer systems responsibilities..., researchers and inspectors.
- If independent, the MPOETC would need a much larger staff to provide necessary infrastructure support in the areas of computerization, personnel and counsel.

Budget Issues

- [The Commission should have] Complete control over the budget, the staff, and the programs.

EXHIBIT F
(cont.)

- [Independence] Would lower the cost by changing from decentralized to centralized concept.
- The Legislature presently appropriated the funds to the PSP for use by the MPOETC. In being independent, the Commission could be more attuned to its needs. It would be cost effective. Staff responsibility would be 100% MPOETC.
- The Commission and staff could develop a more realistic budget which would improve the quality of training.
- De facto control of the MPOETC rests in the P.S.P. Matters of agenda, budget, staff size, operations are all effectively controlled by the Pennsylvania State Police.
- I am aware that more money is needed in our budget. Hope our legislators will respond to our needs.
- Since Commissioner Cochran's reign (continued by Commissioner Schafer) there has been a great improvement. Commission now has Executive Committee voice in budget and is no longer a "rubber stamp" agency. But how can one be certain it will not revert to the past with new Commissioners.
- During the past several years the Pennsylvania State Police has pledged its support, both administratively and fiscally, to the MPOETC. This Commission should be within the official Organizational structure of our Department.
- The budget for the MPOETC must appear as part of the PSP over all budget and must be first approved by PSP, resulting in more control over the MPOETC by the PSP.
- Making the MPOETC truly independent should not generate additional costs or expenses. The staff of the MPOETC claims that they now do almost 100% of the MPOETC's work and the MPOETC already has its own budget. There should not be any significant additional costs.
- If cost considerations are such that administrative support must be supplied by some extant agency, then the MPOETC should be placed within the aegis of the Pennsylvania Commission on Crime and Delinquency, a body which has performed in an exemplary fashion in the matter of the training of deputy sheriffs.
- The actual costs involved for the MPOETC would not change significantly if it were operating independent of the PSP.

Other General Comments Related To Maintaining/Changing
The MPOETC Organizational Placement

- Because of priorities within the PSP, the MPOETC may not be receiving the attention it should.

EXHIBIT F
(cont.)

- [If Independent]...do not believe there would be any real impact on the program except hopefully through the increase of staffing in order to meet current mandates in the Act.
- ...an independent agency would increase the stability of the program...
- [This organization] currently favors the position that the MPOETC remain organized under the auspices of the PSP.
- Changing the Commission to an independent entity at this time would be difficult both politically and fiscally. ...if the Commission were to become independent, it would involve a substantial additional cost to the taxpayers.
- ...the degree of PSP influence and control in the MPOET program is adequate and see no need for changes in this.
- If independent [the MPOETC] may become too political, both internally and externally.... The Commission may begin to revolve around the political power bases....
- By placing the Commission within the PSP, an environment of stability and control is provided which enables the MPOETC to better serve its constituency.
- With State Police involved, you have more clout on the Hill with the legislators.
- Their [PSP] experience is a welcome factor.
- The MPOETC should be officially made a departmental commission within the organizational structure of the Pennsylvania State Police. It will continue to foster inter Departmental relationships between the Pennsylvania State Police and municipal police depts. It will also preserve and promote overall stability to the program. This will enhance the reputation and image of the Pennsylvania State Police as a leader in law enforcement training. These changes would maintain the present quality of municipal police training, and would insure future improvement.
- [The MPOETC should be a] separate commission from the State Police bureaucracy/organization structure.
- It would be hard to assess the impact on the quality of the programs if the MPOETC were to become independent because of the numerous variables involved in such a situation.
- The MPOETC having bureau status within the PA State Police would maintain the stability and continuity that has been working in the past two years to make it a more effective program.
- Make the MPOETC fully independent or place it administratively within the Pennsylvania Commission on Crime and Delinquency (PCCD).
- The Commission should have the sole decision making authority.

EXHIBIT F
(cont.)

- [If separate from the PSP the] Commission will be more effective;... Commission will be more responsive; red tape/bureaucratic quagmire will ease.
- [Independence would] Give Commission authority as well as responsibility and eliminate obstructions and delays in the decision-making process.
- [If independent, the Commission] Would have PA State Police full support and participation, achieving maximum effectiveness of education and training in the most cost-effective manner.
- [Independence] Would permit adequate staff (current staff woefully undermanned to detriment of mission accomplishment) for such important and now only accomplished "marginally acceptable" tasks as more comprehensive and frequent inspections; audits; programs (basic and in service training) currency; instructor evaluations; liaison with the municipal police served; coordination with similar education and training commissions and staffs of other states; and many more advantages.
- Functioning independently will eliminate delays in decision making processes.
- Independence will permit the MPOETC to function without interference from the Pennsylvania State Police--this has been and continues to be a problem. The P.C.C.D. has done an outstanding job with the Deputy Sheriffs Education and Training Board and would be a better choice than the P.S.P. if independence cannot be granted.
- [If Commission had sole decision making authority,] It would eliminate delays in the decision making process.
- [If separate of the PSP,] The Commission would be more responsive and participation would improve immensely.
- [Independence] Would make curriculum more meaningful, realistic, responsive, improving the recruit's knowledge and performance, [and] Would improve quality of instruction, making learning more enjoyable as well as productive.
- A fully independent Commission will be better able to monitor training, inspect the schools, control the staff. Pennsylvania State Police now has effective control over these functions and the MPOETC is at the mercy of whomever is the P.S.P. Commissioner.
- Control by the Commission would eliminate any conflict of interest.
- The State Police would be allowed to play a support role in the training area, not dominate the program.
- In short the Commission should be independent, supported by state police personnel and facilities and equipment because they are knowledgeable and capable and it would be cost effective. The Commission should be appointed by the state legislature, with approval of the Municipal

EXHIBIT F
(cont.)

Police Chiefs' Association, and should be answerable to these agencies. Further Commission member appointees should be workers and not just attend quarterly meetings as most of them do (some do not even do that). This should be made clear before appointment, and if agencies/industries/jobs from which they come cannot spare them for the work involved, they should not be appointed. Currently, perhaps 7-8 Commissioners are workers (of the total) and I find this regrettable and unacceptable - equally with the understaffing problem,... to the satisfactory accomplishment of the mission.

- I realize the support of the Governor and General Assembly is critical for the improvement of local law enforcement officers. The present facilities are adequate but will soon be too small if additional staff is hired. The greatest need is proper supervision of school instruction, monitoring of instructors as well as directors and accountability of funds by the political subdivisions.

- The MPOETC should be a fully independent body. Since it is charged with the training of police officers, it should have no connection with the Pennsylvania State Police (PSP), even for administrative support. Police simply should not have the final say in matters of training police, which, effectively, is the current situation. Presently, the MPOETC is dependent on PSP for administrative support, budget and some of its staff. Also, the Executive Director of the MPOETC is a Major in the PSP and its Chairman is, by statute, the Commissioner of the PSP. This amounts to de facto total control over the MPOETC by the PSP.

- Being administratively within the PSP has caused or resulted in the following problems or difficulties which I have observed since being appointed to the MPOETC ...: a feeling by PSP that the MPOETC is a part of PSP rather than an independent, policy-making body, resulting in policy being set by PSP rather than by the MPOETC.

- The mission of the MPOETC is the training and education and the continuing training and education of police officers. Granting full independence to the MPOETC will permit it to discharge its mandate free of control or interference by or from the PSP or any other body and will allow far more effective public control over municipal police training.

- I believe a change is necessary to insure the smooth functioning of the program.

EXHIBIT G

June 9, 1987

The Honorable John T. Tighe, III
Secretary of Administration
Room 238 C
Main Capitol Building
Harrisburg, PA 17120

Dear Mr. Tighe:

In February 1987, the Legislative Budget and Finance Committee submitted a Sunset Performance Audit of the Municipal Police Officers' Education and Training Commission. That Committee has referred action on the report to the Senate Law and Justice Committee. During the next few months there will be public hearings regarding the passage of new legislation affecting the Commission.

A significant point raised by the Sunset Review concerned the, "Legal Status of the Commission." The current State Police table of organization includes the Municipal Police Officers' Education and Training Commission as a Departmental Commission. The Administrative Code does not so list the Commission, nor does any other state law. Act 1974-120, which created the Commission, expressly places the administration of the training program within the administrative structure of the State Police, and the Commissioner of the State Police is authorized to perform specific duties in the implementation of the Act. In fact, the Act specifies that the Commissioner of the State Police shall be the permanent Chairman. The Commission, however, is the entity which is empowered to establish policy relating to the training program. The State Police have been of the opinion that the Commission is a Departmental entity located within the Pennsylvania State Police. All staff employees are hired and administered by the State Police. Funding for the Commission and its training program are budgeted and administered by the State Police but listed as a separate line item.

The auditors recommend that the Administrative Code be amended to include the Municipal Police Officers' Education and Training Commission as either a Departmental Commission within the State Police or an Independent Commission.

It is the opinion of the State Police that the Administrative Code be amended to include the Municipal Police Officers' Education and Training Commission as a Departmental Commission with the State Police Commissioner as the permanent Chairman of that Commission.

It is the contention of the State Police that it is a position beneficial to the State Police, the municipal police departments, the students and the general public for the following reasons:

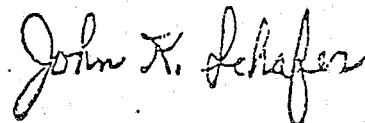
1. The State Police have a long-standing reputation for supporting and providing quality police training to law enforcement personnel.

EXHIBIT G
(continued)

2. The involvement of the State Police with this program continues to improve and cement relationships between the State and municipal police.
3. The involvement of the State Police in this program enhances the professional image of the State Police.
4. Municipal officers have stated that they prefer a program administered by police officers for police officers.
5. The State Police have made a commitment to assist municipalities achieve the highest degree of professionalism through the provision of a quality training program.
6. The State Police provide a sense of control and continuity to the program. If the Commission were an independent entity it is believed that controls necessary to ensure a quality program would be diminished.

I request that your office support the State Police position in this important matter. If you have any questions regarding the Municipal Police Officers' Education and Training Commission and the State Police role, please feel free to contact me at my office or the Executive Director, Major Daniel A. Spang, at 533-5987.

Sincerely yours,



Colonel John K. Schafer
Commissioner

JKS/DAS/vs

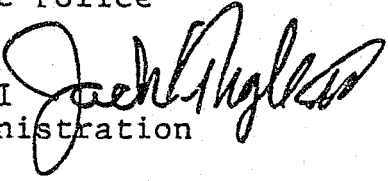
✓ Act #120 - Commissioner's File Copy

cc: Legislative Secretary
Governor's Report
Capt. Hunt, Legislative Liaison
Act #120 - MPOETC File Copy

June 23, 1987

SUBJECT: Municipal Police Officers' Education
and Training Commission

TO: Colonel John K. Schafer
Commissioner
Pennsylvania State Police

FROM: John T. Tighe, III 
Secretary of Administration

This is in response to your letter of June 9, 1987, concerning the Legislative Budget and Finance Committee's sunset performance audit of the Municipal Police Officers' Education and Training Commission.

As explained in your letter, Act 1974-120, which created this Commission, provides that the Commissioner of State Police shall serve as Chairman. In addition, the training functions of the Commission have been budgeted and administered by the State Police. However, because the Administrative Code is silent on the organizational status of the Commission, the sunset review auditors have recommended that the Code be amended to establish the Commission as either a departmental commission within the Pennsylvania State Police or as an independent commission. It is your view that the Commission be made a departmental commission with the State Police Commissioner serving as permanent chairman.

Your letter gives persuasive reasons for continuing the historical role and long-standing relationships of the State Police in the training of municipal police officers. Furthermore, it makes sense from the standpoint of management efficiency to keep the Commission within the administrative and fiscal framework of an existing department of state government. To establish it as an independent commission would require the creation of a wholly separate management support operation, including fiscal, personnel, and other administrative services that are now easily and efficiently provided by the State Police.

RECEIVED JUN 26 1987

EXHIBIT H

2

Accordingly, for both sound programmatic and management reasons, we support your position that the Municipal Police Officers' Education and Training Commission should be established as a departmental commission within the Pennsylvania State Police.

cc: Honorable Clarence D. Bell
Honorable Charles Bacas
Honorable Michael Hershock
Richard D. Dario

V. BACKGROUND INFORMATION ON PEACE OFFICER STANDARDS AND TRAINING (POST) COMMISSIONS IN SELECTED OTHER STATES

The need for the implementation of training standards for peace officers had been recognized and acted upon in all of the 50 states between 1959 and 1981. According to "A Focused Examination of Police Officer Standards and Training Commissions," a paper which summarizes the findings of the International Association of Directors of Law Enforcement Standards and Training (IADLEST) Monograph, approximately 32 of the existing Police Officer Standards and Training (POST) Commissions are autonomous, operating as independent agencies within state bureaucratic structure; thirteen are operated under the administration of a state level criminal justice agency and five are operated as divisions within the State Attorney Generals' Offices. In addition, see Exhibit I, Administrative Placement of Training Commissions in Other States, for more detailed information based on the IADLEST Monograph.

The project team examined the POST commissions in eight other states. Of those states contacted, the project team found that five were departmental agencies, two were independent agencies and one was independent but attached to a department for administrative purposes only. Also, see Exhibit J, Comparative Information in Selected Other States, for more detailed information based on the IADLEST Monograph.

The project team reviewed and identified specific characteristics of other states' POST Commissions which may vary or be similar to characteristics of the MPOETC. The following information is a compilation of that review.

Georgia Peace Officer Standards and Training Council- The Council in Georgia is assigned to the Department of Public Safety for administrative purposes only (for example, staff, supplies, materials and equipment, etc.) with advice and consent of the Council. According to the Council's enabling legislation, the officers of the Council (chairman, vice-chairman and secretary-treasurer) are elected annually. The Council reports at least annually to the Governor and to the General Assembly as to its activities. The funds for this program are appropriated to the Department of Public Safety and the Council is subject to budgetary adjustments in the same manner as any other activity within the department.

Illinois Local Governmental Law Enforcement Officers Training Board- Staff review of the legislation which created this Board indicated that the Board elects a Chairman and Vice-chairman. The legislation also provides the Board with the authority to employ an Executive Director and other necessary clerical and technical personnel necessary to administer the training program.

Maryland the Police Training Commission- This Commission was established in the Department of Public Safety and Correctional Services. The Deputy Secretary of Public Safety and Correctional Services, or his representative, is designated in statute as the chairman of the Commission. The Commission is also annually to elect a vice-chairman from among its members and report, at least annually, to the Governor, the Secretary of Public Safety and Correctional Services and the General Assembly as to the activities of the Commission.

New Jersey the Police Training Commission- The New Jersey Board was established in the Division of Criminal Justice in the Department of Law and Public Safety. By statute the Attorney General is the chairman of the Commission and is empowered to appoint an administrator of police services to the Commission after obtaining the advice and consent of the Commission. The Commission may employ other persons as may be necessary to carry out the provisions of the act and is to report at least annually to the Governor and the legislature as to its activities.

New York Municipal Police Training Council- The Council was created within the Division of Criminal Justice Services and the Governor is to designate from among the members of the Council a Chairman who serves at the pleasure of the Governor. The Commissioner of the Division reports to the Council at each regular meeting of the Council and at such other times as may be appropriate. The Division reportedly provides staff support to the Council and recommends for the Council's promulgation basic training for police and peace officers, training schools and instructors.

Ohio Peace Officer Training Council- The enabling legislation created the Council in the Office of Attorney General and authorized it to appoint an executive director, with the approval of the Attorney General, who holds office at the pleasure of the Council. The Executive Director, with the approval of the Council, appoints and controls the staff. The Council is required to report to the Attorney General, periodically, and to the Governor and the General Assembly at least annually concerning the activities of the Council.

South Carolina Law Enforcement Training Council- The enabling legislation states that the Chairman of the Council is to be elected from among its members. It is also stipulated that the director is hired by and responsible to the Council.

West Virginia Subcommittee of the Governor's Committee on Crime, Delinquency and Corrections- The Subcommittee is to elect a Chairperson and a Vice Chairperson. Upon recommendation of the Subcommittee, the Governor's Committee is to report to the Governor and, upon request, to individual members of the Legislature on its activities during the previous year. The Subcommittee is also to provide an accounting of funds paid into and disbursed from the special revenue account established for its operation.

EXHIBIT I

ADMINISTRATIVE PLACEMENT OF TRAINING COMMISSIONS IN OTHER STATES

	<u>Number of States</u>	<u>PENNSYLVANIA</u>
Is there a commission in your state which has legislative authority to <u>establish</u> state minimum mandatory standards for criminal justice personnel?		
Yes.....	48	X
No.....	2	
If yes, which of the following best describes this commission?		
N/A.....	2	
Commission/Board/Council.....	47	X
Academy.....	2	
State-Level Criminal Justice Agency.....	9	
Governor or Cabinet-Level Official.....	1	
Other.....	0	
Is there a commission in your state which has legislative authority to <u>enforce</u> state minimum mandatory standards for criminal justice personnel?		
Yes.....	47	
No.....	3	X
If yes, which of the following best describes this commission?		
N/A.....	3	X
Commission/Board/Council.....	45	
Academy.....	5	
State-Level Criminal Justice Agency.....	3	
Governor or Cabinet-Level Official.....	0	
Other.....	2	

EXHIBIT I

ADMINISTRATIVE PLACEMENT OF TRAINING COMMISSIONS IN OTHER STATES (Continued)

	<u>Number of States</u>	<u>PENNSYLVANIA</u>
How were state minimum standards first established in your state?		
By Executive Order.....	3	
By Legislation.....	42	X
Other.....	6	
In terms of its relationship to state government in general, is your Commission?		
N/A.....	1	
An Autonomous State-Level Commission.....	31	
Part of a State-Level Criminal Justice Agency.....	14	X
A Unit of the Attorney General's Office.....	5	
Other.....	1	
In terms of its relationship to state government in general, is your Agency?		
A Separate State Agency.....	25	
Part of a State-Level Criminal Justice Agency.....	21	X
A Unit of the Attorney General's Office.....	9	
Other.....	2	
Which of the following best describes the training delivery system in your state?		
N/A.....	1	
Central Academy Only.....	8	
Central Academy and Training Programs Delivered Regionally by Central Academy Staff.....	18	
Regional, Community College or Single Operated Academies Including State Agency Academies.....	22	X
Other.....	4	

EXHIBIT I

ADMINISTRATIVE PLACEMENT OF TRAINING COMMISSIONS IN OTHER STATES (Continued)

	<u>Number of States</u>	<u>PENNSYLVANIA</u>
Funding Sources:		
The State General Fund.....	26	\$4,628,000
A Special Fund.....	13	0
Fines and Forfeitures.....	17	0
Grants.....	17	0
Other.....	7	0
How are the Executive Directors of your Commission selected?		
N/A.....	1	
Appointed by Governor.....	14	
Appointed by Attorney General..	8	
Appointed by the Commission....	26	
Other.....	12	X

Source: International Association of Directors of Law Enforcement Standards and Training (IADLEST) 1986 Monograph.

EXHIBIT J

COMPARATIVE INFORMATION IN SELECTED OTHER STATES

	<u>DEL</u>	<u>MD</u>	<u>NJ</u>	<u>NY</u>	<u>OH</u>	<u>PA</u>	<u>WV</u>	<u>GA</u>	<u>IL</u>	<u>MI</u>	<u>SC</u>
Is there a commission in your state which has the legislative authority to <u>establish</u> state minimum standards for criminal justice personnel?.....	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

If yes, which best describes this commission?

Commission/Board/Council.....	X	X	X	X	X	X	X	X	X	X	X
Academy.....					X						
State-Level Criminal Justice Agency.....											
Governor or Cabinet-Level Official.....											
Other.....											

Is there a commission in your state which has legislative authority to <u>enforce</u> state minimum mandatory standards for criminal justice personnel?.....	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
--	-----	-----	-----	-----	-----	----	-----	-----	-----	-----	-----

How were state minimum standards first established in your state?

By Executive Order.....				X							
By Legislation.....	X		X		X	X	X	X	X	X	X
Other.....		X									

EXHIBIT J

COMPARATIVE INFORMATION IN SELECTED OTHER STATES
(Continued)

DEL MD NJ NY OH PA WV GA IL MI SC

In terms of its relationship to state government in general, is your Commission:

An Autonomous State-Level Commission.....	X		X		X		X	X	X		X
Part of a State-Level Criminal Justice Agency.....		X		X		X				X	
A Unit of the Attorney General's Office.....					X						
Other.....											

31

In terms of its relationship to state government in general, is your Agency:

A Separate State Agency.....	X				X		X	X	X		X
Part of a State-Level Criminal Justice Agency.....		X	X	X		X				X	
A Unit of the Attorney General's Office.....					X						
Other.....											

How are the executive directors of your Commission selected?

Appointed by Governor.....	X			X			X				
Appointed by Attorney General.....			X		X						
Appointed by Commission.....		X			X			X	X	X	X
Other.....						X		X			

EXHIBIT J

COMPARATIVE INFORMATION IN SELECTED OTHER STATES
(Continued)

DEL MD NJ NY OH PA WV GA IL MI SC

Please indicate by filling in the proper blank beside each category, the number of criminal justice officers subject to your selection and/or training standards:

SHERIFF DEPARTMENT

Trained Last Year.....	N/A	1,100	1,437	519	235	269	Unk.	-	774	59	67
Total Officer Pop. Last Year.....	-	1,100	3,509	5,940	4,500	1,441		4,214	2,476	3,500	-

POLICE DEPARTMENTS

Trained Last Year.....	30	10,500	-	3,688	750	443		-	6,962	673	308
Total Officer Pop. Last Year.....	663	10,500	17,578	59,229	9,500	21,000		8,950	23,083	-	-

STATE LAW ENFORCEMENT

Trained Last Year.....	30	-	-	4,000	300	153		-	-	44	227
Total Officer Pop. Last Year.....	437	2,000	-	3,736	3,000	4,137		2,118	-	2,100	-

STATE CORRECTIONS

Trained Last Year.....	-	-	-	1,555	150	720		-	-	-	678
Total Officer Pop. Last Year.....	-	4,500	-	13,786	1,500	3,000		4,968	-	-	-

LOCAL CORRECTIONS

Trained Last Year.....	-	-	-	1,136	120	480		-	879	-	-
Total Officer Pop. Last Year.....	-	1,000	-	11,668	1,200	3,500		300	2,000	-	-

OTHER

Trained Last Year.....	-	-	-	10,737	1,245	19		-	476	80	-
Total Officer Pop. Last Year.....	-	-	-	1,293	12,225	221		533	2,504	-	-

FUNDING SOURCES (in thousands of \$)

State General Fund.....	10	799	670	559	1,500	4,628	0	3,726	0	587	0
Special Fund.....	0	10.5	0	0	70	0	0	0	6,541	0	0
Fines and Forfeitures.....	0	0	0	0	0	0	450	0	0	0	3,900
Grants.....	0	53	0	0	0	0	0	32	598	0	169
Other.....	0	0	0	0	0	0	0	0	0	0	0

EXHIBIT J

COMPARATIVE INFORMATION IN SELECTED OTHER STATES
(Continued)

	<u>DEL</u>	<u>MD</u>	<u>NJ</u>	<u>NY</u>	<u>OH</u>	<u>PA</u>	<u>WV</u>	<u>GA</u>	<u>IL</u>	<u>MI</u>	<u>SC</u>
STAFFING											
Commissioner.....	-	-	-	-	-	-	-	-	17	-	-
Executive Director.....	1	1	1	1	1	1	-	1	1	1	1
Assistant Director.....	1	2	1	1	-	1	-	1	1	1	1
Program Director.....	-	-	-	5	-	-	-	-	1	3	8
Senior Instructor.....	2	x	-	14	7	-	-	-	-	-	6
Instructor.....	1	5	-	2	2	-	-	1	-	-	11
Junior Instructor.....	-	-	-	1	1	-	-	-	-	-	-
Legal Instructor.....	-	-	-	1	-	-	-	-	-	-	2
Legal Advisor.....	-	-	1	1	-	-	-	-	.5	-	2
Research Director.....	-	-	-	-	-	-	-	-	-	-	-
Business Manager.....	-	-	-	-	-	-	-	-	-	-	1
Bureau/Section Chief.....	-	2	-	-	1	-	-	2	-	2	-
Field/Representative Liaison.....	-	-	4	-	4	-	-	3	-	3	-
Graphic Artist.....	-	2	-	-	-	-	-	-	-	-	1
Testing/Evaluation Specialist.....	-	-	-	-	-	-	-	1	-	-	1
Industrial Psychologist.....	-	-	-	-	-	-	-	-	-	-	-
Revocation Specialist.....	-	-	-	-	-	-	-	-	-	-	-
Media Specialist.....	-	1.5	-	-	-	-	-	-	-	-	1
Attorney.....	-	-	-	-	-	-	-	-	-	-	4
Division Director.....	-	-	-	-	-	-	-	3	-	-	4
Field Supervisor.....	-	-	1	-	-	-	-	-	-	-	1
Curriculum Development Coordinator.	-	1	-	-	-	1	-	3	-	-	1
Research/Development.....	-	1	-	-	-	-	-	-	-	-	-
Statistician.....	-	1	-	-	-	-	-	-	-	-	-
Auditor/Accountant.....	-	-	-	-	-	1	-	-	1	-	1
Information/Data Process Supervisor	-	1	-	-	-	-	-	-	-	-	1
Information/Data Process Specialist.....	-	-	-	-	-	-	-	-	-	-	-
Librarian.....	-	-	.5	-	1	-	-	-	-	-	1
Planner.....	-	-	-	-	-	-	-	-	-	-	-
Budget/Finance Officer.....	-	-	-	-	-	-	-	-	-	-	1

EXHIBIT J

COMPARATIVE INFORMATION IN SELECTED OTHER STATES (Continued)

	<u>DEL</u>	<u>MD</u>	<u>NJ</u>	<u>NY</u>	<u>OH</u>	<u>PA</u>	<u>WV</u>	<u>GA</u>	<u>IL</u>	<u>MI</u>	<u>SC</u>
Which best describes the training delivery system in you state?											
Central Academy Only.....							X				
Central Academy and Training Programs Delivered Regionally by Central Academy Staff.....	X										
Regional, Community College or Single Operated Academies Including State Agency Academies.....		X	X	X	X	X		X	X	X	X
Other.....											

Source: International Association of Directors of Law Enforcement Standards and Training (IADLEST) Monograph.

APPENDIX A

Finding H - Sunset Performance Audit of the
Municipal Police Officers' Education and Training Commission -
Legal Status of Commission

H. LEGAL STATUS OF COMMISSION

FINDING: Although the current State Police organization chart includes the MPOETC as a departmental commission, the Administrative Code does not so list the Commission (nor does any other state law). Act 1974-120, which created the Commission, expressly places the administration of the training program within the administrative structure of the State Police, and the Commissioner of the State Police is authorized to perform specific duties in the implementation of the Act. The Commission, however, is the entity which is empowered to establish policy relating to the training program. An LB&FC Pre-Audit Survey Questionnaire administered by the auditors and completed and returned by the Commission indicated that the Commission is a departmental entity located within the Pennsylvania State Police. The Commission also indicated on the questionnaire that all staff employees are hired and administered by the PA State Police. Funding for the Commission and its training program is budgeted and administered by the PA State Police but listed as a separate line item. The auditors recommend that the Administrative Code be amended to include the MPOETC as either a departmental commission within the PA State Police or as an independent commission.

To determine the legal status of the Municipal Police Officers' Education and Training Commission (MPOETC), the auditors reviewed Section 201-203 of the Administrative Code of 1929, 71 P.S. §§61-3, and the Commonwealth Attorneys Act, 1980-1643 (71 P.S. §732-102 et seq.). The auditors found that the Commission was not listed in the definition of "independent agency" in the Commonwealth Attorneys Act nor as either a "departmental administrative board" or an "independent administrative board" in the Administrative Code.

The enabling legislation of the Commission, Act 1974-120 (53 P.S. §740 et seq.) expressly places the administration of the training program within the administrative structure of the PA State Police. The Commissioner of the State Police is authorized by Section 6 of Act 1974-120 to perform specific duties in the implementation of the Act. These include issuing certificates of approval to schools approved by the Commission, visiting and inspecting approved schools and certifying police officers who have satisfactorily completed basic educational and training requirements as established by the Commission. The Commission, however, is the entity which is empowered to establish policy relating to the training program. The powers and duties of the Commission include establishing minimum qualifications for instructors, establishing minimum courses of study and training for municipal police officers and approving or revoking the approval of any school which may be utilized for Act 120 purposes.

Counsel for MPOETC indicated that the PA State Police was chosen to administer the program because of its expertise in the area of law enforcement training. An organizational chart of the PA State Police (see Exhibit C),*/

*/ Exhibit D of this report.

published in the Pennsylvania Bulletin in August 1986, indicates that the MPOETC staff is a separate operation under the supervision of the State Police Commissioner, although the staff is still responsible for administering the Lethal Weapons Program. Prior to the 1985 reorganization of the PA State Police, the MPOETC staff was organizationally located within the Bureau of Training and Education, Division of Standards and Certification, under the supervision of the Chief of Staff.

According to the Pre-Audit Survey Questionnaire administered by the auditors and completed and returned by the Commission, the Commission is a departmental entity within the PA State Police. The Commission also indicated on the questionnaire that all staff employees are hired and administered by the PA State Police. The budget for the MPOETC is included within the budget submitted by the PA State Police; however, it is listed as a separate item.

Legal services are provided to the MPOETC by an Assistant Counsel assigned by the General Counsel to the PA State Police who spends approximately 5% of her time on MPOETC matters.

According to an informal Attorney General opinion by a former Attorney General, "When the General Assembly created the Commission, it failed to amend the Administrative Code to indicate explicitly whether the Commission was designed to be an independent body such as the Game Commission, a departmental Commission such as the Crime Victim's Compensation Board or an Advisory Board such as the Advisory Committee for the Blind." The Attorney General indicated that although the Commission was created by statute, that does not, "standing alone, make it an independent body such as the Public Utility Commission." Instead, "...the General Assembly clearly placed the implementation of the education and training program within the administrative structure of the State Police even though the Commission has the responsibility for establishing policy." In short, the Attorney General suggested, "...the relationship between the State Police and the Commission is even closer than the relationship between a departmental administrative Commission and the department in which the administrative body is located."

APPENDIX B

Questionnaire Distributed to MPOETC Members

LEGISLATIVE BUDGET AND FINANCE COMMITTEE

FOLLOW-UP STUDY OF THE LEGAL STATUS OF THE
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION (MPOETC)

COMMISSIONER QUESTIONNAIRE

There are elements of ambiguity in the current state government organizational status of the Municipal Police Officers' Education and Training Commission (MPOETC). State law does not explicitly place the MPOETC within the organizational structure of the State Police but also does not expressly provide that the MPOETC is an independent entity. Furthermore, state law specifically provides that administrative aspects of the municipal police training program are a responsibility of the State Police. Additionally, all current employees associated with the MPOETC Program are on the staff complement of the State Police, and the MPOETC is contained on the current organizational chart of the State Police as a departmental commission.

1. Are you satisfied with the current organizational status of the MPOETC and the current administrative structure? Yes ____ No ____

2. If you answered "yes" to #1 above, please list the major advantages of the current situation.

- (1) _____
- (2) _____
- (3) _____
- (4) _____

3. If you answered "no" to #1 above, please describe the changes in organizational status and/or administrative structure that should be made in your opinion and the advantages of such changes.

a. changes that should be made _____

b. advantages of such changes

- (1) _____
- (2) _____
- (3) _____
- (4) _____

4. If you answered "no" to #1 above and believe changes should be made, please list here the benefits, if any, that you believe your suggested changes would have on the quality of municipal police training in Pennsylvania.

(1) _____
(2) _____
(3) _____
(4) _____

5. Are you aware of any specific problems that are currently resulting or have in the past resulted from the current organizational status of the MPOETC and/or the current administrative relationship of the MPOETC with the State Police? Yes _____ No _____

If yes, please describe. _____

6. Please add here any other comments you desire regarding this matter.

Name _____

Address _____

Phone () _____

Thank you for your assistance and cooperation in this matter.

APPENDIX C

Response of the PA State Police Commissioner (Commission Chairman)
to this Report



COMMONWEALTH OF PENNSYLVANIA
MUNICIPAL POLICE OFFICERS'
EDUCATION & TRAINING COMMISSION
P. O. BOX AA
HERSHEY, PENNSYLVANIA 17033

June 30, 1987

Mr. Richard D. Dario, Executive Director
Legislative Budget and Finance Committee
Room 400, Finance Building
P. O. Box 8737
Harrisburg, PA 17105-8737

Dear Mr. Dario:

The Municipal Police Officers' Education and Training Commission is in receipt of the confidential draft of the follow-up study pertaining to the legal status and administrative/organizational placement of the Commission.

On June 30, 1987 the Commission met in special session to review the study. It is the consensus of the Commission that they will not make any comments at this time for inclusion in the final report. The Commission requests to be allowed to make comments in approximately three months. The reason for the delay is that there has been insufficient time to develop a Commission viewpoint. A Subcommittee has been established that will develop recommendations for the full Commission.

Sincerely yours,

A handwritten signature in cursive script that reads "John K. Schafer".

Colonel John K. Schafer
Chairman