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# Legislative Budget and Finance Committee

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A SUNSET PERFORMANCE AUDIT

OF THE

MUNICIPAL POLICE OFFICERS'  
EDUCATION & TRAINING COMMISSION

Pursuant to Act 1981-142

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## TABLE OF CONTENTS

### A SUNSET PERFORMANCE AUDIT OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

<u>I. INTRODUCTION</u>	<u>Page</u>
A. Act 142 Mandate.....	1
B. Sunset Criteria.....	1
C. The LB&FC and the Sunset Performance Audit.....	2
D. Sunset Review and Termination/Continuation Timetable.....	2
E. LB&FC Sunset Performance Audit Timetable for this Commission	3
F. The Report Structure.....	4
G. Acknowledgements.....	4
 <u>II. PERFORMANCE AUDIT FINDINGS AND RECOMMENDATIONS</u>	
A. Relationship to Public Health, Safety and Welfare.....	7
B. Public Input and Participation.....	16
C. Improvements Needed in Auditing of Training Monies.....	21
D. Need for Improved Management Tools.....	26
E. Need to Recertify Training Program Instructors.....	30
F. Inadequate System to Determine Municipal Compliance with Law.....	34
G. Need to Improve School Monitoring Procedures.....	38
H. Legal Status of Commission.....	43
I. No School Representative on Commission.....	45
J. Problems Concerning Rules and Regulations.....	46
K. EDP Expansion.....	49
L. Statutory Weaknesses Concerning the Screening of Trainees...	50
M. Need for Pre-Duty Training.....	54
N. Proposed Amendments to Municipal Police Officers' Education and Training Act.....	55
 <u>III. BACKGROUND DESCRIPTIVE INFORMATION ABOUT THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION</u>	
A. Legal Background.....	57
B. Commission Composition.....	58
C. Commission Staff.....	59
D. Municipal Police Officers' Certification.....	60
E. Certification and Inspection of Schools.....	63
F. Certification of Training Program Instructors.....	64
G. Reimbursements and Grants for Training Programs.....	64
H. Revenue and Expenditure Information.....	65
I. Political Subdivisions and Police Officers by County.....	66

#### IV. DEFINITION OF THE AUDIT PROCESS AND METHODOLOGY

A. Description of General Audit Methodology.....	68
B. Explanation of Efficiency and Effectiveness.....	68
C. Description of Specific Methodology Used in the Audit.....	69
D. Explanation of How the Seven Sunset Criteria were Applied in this Audit.....	69

#### V. APPENDICES

A. Proposed Municipal Police Officers' Education and Training Law Revisions and MPOETC Position Statement.....	74
B. Political Subdivisions and Number of Police Officers by County.....	85
C. Municipal Police Officers' Education and Training Program Twelve Week Course Outline.....	87
D. Municipal Police Officers' Education and Training Program Modular Course Outline.....	91
E. Municipal Police Officers' Education Basic Training Outline--Pilot Program.....	95
F. Minimum Standards for Basic Training Instructors.....	98
G. Four Part In-Service Training Course.....	101
H. Acting Pennsylvania State Police Commissioner (Commission Chairperson) Response to this Report.....	103
I. Comptroller's Office Response to this Report.....	107

## I. INTRODUCTION

### A. Act 142 Mandate

With passage of Act 1981-142, 71 P.S. §1795.1 et seq., Pennsylvania joins approximately 35 other states which have enacted sunset legislation since the mid 1970s. Act 142 creates a mechanism which compels the Legislature to evaluate state agencies in a systematic manner to determine the continuing value of their existence. It is also intended to determine whether agencies are operating in the public interest and to suggest ways in which their effectiveness and efficiency can be enhanced.

The Pennsylvania Sunset Act creates an ongoing process for the review of 74 specific state agencies during the period 1983-87. In addition, all agencies created after the passage of Act 1981-142, as amended by Act 1982-310, are subject to sunset review after a period of ten years from their creation and for ten-year cycles thereafter. Unless the General Assembly takes positive action to recreate an agency under sunset review, it will automatically terminate as scheduled in Act 142 or, if applicable, at the end of its ten-year cycle.

### B. Sunset Criteria

The law sets forth criteria on which a determination as to whether the agency shall be continued, altered, or terminated should be based. These criteria are:

1. Whether termination would significantly harm or endanger the public health, safety or welfare.
2. Whether overlap or duplication of effort by other agencies would permit termination of the agency.
3. Whether a more economical way of achieving the agency's objectives exists.
4. Whether, based on service to the public, there is a demonstrated need for the continued existence of the agency.
5. Whether the agency's operation has been in the public interest.
6. Whether the public participation has been encouraged by the agency's rule-making and decision-making processes, or whether only persons regulated by the agency participate in these processes.
7. Whether the agency's services may be provided in an alternate, less restrictive way.
8. Other criteria established by the standing committees.

### C. The LB&FC and the Sunset Performance Audit

Act 142 also charges the LB&FC with various sunset review responsibilities. At the beginning of the sunset evaluation process, a plan for the review of each agency is to be developed by the appropriate standing committee in conjunction with the LB&FC. More significantly, however, the LB&FC is to complete a performance audit of each agency scheduled for termination by March 1 of the termination year. These performance audits are to be presented to the appropriate standing committees for use in their sunset deliberations.

A sunset performance audit is defined by Act 142 as:

A written report by the Legislative Budget and Finance Committee evaluating the management and performance of an agency based on the statistics on its operations and carried out in accordance with standards for performance and financial compliance auditing developed by the United States General Accounting Office. [According to the GAO, the term performance audit is synonymous with "operational audit" and describes an audit that is concerned with economy, efficiency and program results.]

LB&FC performance audits are to determine whether the activities of the agency under sunset review are: (1) consistent with the objectives intended by the General Assembly and (2) conducted in a faithful, efficient, economical and effective manner. The staff's performance audits are also to include the sunset criteria to be used by standing committees in determining the fate of the agencies under sunset review (see page 1).

To help assure that the LB&FC's performance audit duties will not be impeded, the Sunset Act grants the LB&FC access to all pertinent documents and personnel of Commonwealth agencies. Also, the LB&FC is empowered, with the approval of the House and Senate, to subpoena witnesses and records on sunset matters and to take testimony and depositions with the same power and authority as courts of record.

### D. Sunset Review and Termination/Continuation Timetable

Sunset review differs from other forms of legislative program evaluation in a most significant way--it automatically requires the evaluation and, unless the Legislature acts otherwise, the termination of state agencies at a scheduled date. Act 1981-142, as amended by Act 1982-310, calls for sunset review of listed agencies once every ten years. The agencies cited in the Act are divided into three review cycles (1983, 1985, and 1987). The Municipal Police Officers' Education and Training Commission is included in the 1987 cycle. The established termination date for the Commission is December 31, 1987.

Act 142 states that the Pennsylvania sunset cycle shall meet the following timetable during each termination year:

1. January - The Leadership Committee assigns responsibility for the review and evaluation of each agency to an appropriate standing committee of the House and Senate.
2. On or before March 1 - The responsible standing committee shall receive the following information for each agency that it is reviewing:
  - a. a performance audit or summary audit from the LB&FC and
  - b. a report on all pertinent statutes from the Legislative Reference Bureau.
3. On or before the first session day of September - The standing committee presents to the General Assembly a report on the committee's determination as to the future of each agency under sunset review. The report is to be accompanied by draft legislation to implement the standing committee's recommendations.
4. During November - If legislation has not been enacted to reestablish an agency scheduled for termination, a resolution shall be placed before the House and Senate to determine the agency's continued existence. If a majority of the members of each House approve of its continuation, the agency will continue to exist and shall undergo another sunset review ten years hence.
5. On December 31 - Any agency scheduled for termination that has not been specifically reestablished or continued by the General Assembly shall be terminated. Each such agency shall have until June 30 of the succeeding year to wind up its affairs.

E. LB&FC Sunset Performance Audit Timetable for this Commission

The LB&FC began the performance audit for the Municipal Police Officers' Education and Training Commission in September 1986 with the distribution of a pre-audit survey questionnaire to the Commission. The preliminary survey phase of the LB&FC's performance audit commenced in October 1986. This phase was conducted on the basis of a preliminary survey work plan which had been prepared by the LB&FC staff in early October. The detailed audit, also guided by a prepared work plan, started in November 1986 and ended in early, January 1987. It was during this phase that most of the field work was accomplished. The resulting sunset performance audit report underwent a period of internal technical review by the LB&FC staff during mid-January. The report was sent to all Commission members and to the staff persons for review and comment at the end of January.

#### F. The Report Structure

The PERFORMANCE AUDIT FINDINGS AND RECOMMENDATIONS section of the report, the primary end product of the performance audit, is presented immediately following this INTRODUCTION. A section providing BACKGROUND DESCRIPTIVE INFORMATION ABOUT THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION is presented thereafter. The report also includes a section on the DEFINITION OF THE AUDIT PROCESS AND METHODOLOGY.

#### G. Acknowledgements

The audit staff acknowledges the outstanding cooperation from the former Chairperson of the Commission and former Commissioner of the PA State Police, Colonel Jay Cochran, Jr.; Members of the Commission; Major Daniel Spang, Executive Director of the Commission, and his staff.

The LB&FC staff involved in the sunset performance audit for this agency was under the direction of the LB&FC Executive Director, Richard Dario. Robert Frymoyer, Assistant Chief Analyst, was the Sunset Project Director, and the Senior Auditor was William Harral. Tamara Truskey, Analyst, and Jeffrey Gregory, Junior Analyst, worked on this audit. Secretarial support was provided by Beverly Brown, with additional staff assistance from Shannon Opperman, Krista Williard and Earl T. Robson. Some of the above named personnel were simultaneously involved in other audit projects in addition to this audit.

Any questions or comments regarding the report should be directed to Richard D. Dario, Executive Director, Legislative Budget and Finance Committee, Room 400, Finance Building, Harrisburg, Pennsylvania, 17120.

IMPORTANT NOTE REGARDING RESPONSIBILITY  
FOR FINDINGS AND RECOMMENDATIONS OF THIS REPORT

The release of this report should not be construed as an indication that Members of the Legislative Budget and Finance Committee support the contents of the report. The report was prepared according to United States General Accounting Office standards by Legislative Budget and Finance Committee audit staff and is being released by the Legislative Budget and Finance Committee without endorsement and as mandated by Act 1981-142, 71 P.S. §1795.1 et seq.

## II. PERFORMANCE AUDIT FINDINGS AND RECOMMENDATIONS

This section presents findings resulting from the sunset performance audit of the Municipal Police Officers' Education and Training Commission. The Commission was examined in an evaluative sense in conjunction with the specified criteria of Act 1981-142, 71 P.S. §1795.1 et seq., using U.S. General Accounting Office performance auditing standards. This audit included activities such as reviewing the enabling legislation and related laws and regulations; analyzing questionnaires completed by Commission members, a sampling of police chiefs, and schools and a sampling of police officers certified by the Commission; interviewing Pennsylvania State Police personnel; reviewing Commission files; and analyzing information obtained through interviews and other contacts with representatives of law enforcement organizations. Please see Section IV for a more complete discussion of the specific methodology used in auditing the Commission.

The findings are divided into 14 subject areas. Information presented within a subject area is not intended to be all inclusive of the subject area.

Not all information in regard to matters Committee staff investigated is included as a formal finding in subsections A through N of this report. Only those items are included that are supported by information obtained and verified by the auditors and in which the elements of a finding have been addressed. In general, each finding will include the following elements: (1) condition (the problem), (2) criteria (measurement standard), (3) cause (underlying reason why condition occurred), (4) effect (what resulted), and, if appropriate, (5) recommendation (possible corrective action).

A. RELATIONSHIP TO PUBLIC HEALTH, SAFETY AND WELFARE

FINDING: Police training as developed and administered through the Municipal Police Officers' Education and Training Commission (MPOETC) and as required by Act 1974-120 appears important to the protection of the public safety and the state mandate of certification of municipal police officers based on mandated police training appears as an appropriate method of assuring that training is received by these officers. There are over 23,000 police officers in Pennsylvania and 1,300 police departments reportedly spending over \$500 million annually. In 1973, the National Advisory Commission on Criminal Justice referred to police officers as decision makers, and the decisions they make, for example, whether to use force, to seek prosecution, to make an arrest, have a profound effect on those the police officer serves. The International City Managers Association (ICMA) states that post-induction and in-service training of police officers is essential. It would appear that state administered police training is important in standardization of training. Police training in Pennsylvania prior to passage of the MPOETC law was reported as variable with courses ranging from 40 hours to 400 hours and with subject matter arbitrarily chosen where such training did exist. According to one expert in the field, standardization of police training by a state agency promotes cost effectiveness, particularly in the preparation of curriculum and curriculum support material. The Commission Chairman, the PA State Police Commissioner, states that mandatory training of police has always been important and is becoming more important because of recent developments in the municipal liability field. ICMA reported that an increasingly problematic area is local government liability and mentioned that sovereign immunity is systematically being eliminated for local governments. ICMA also reported that during 1984-85 increases of 300% to 400% in municipal liability insurance premiums was not unusual and testimony at a September 1985 hearing of the PA Local Government Commission indicates that municipal inability to secure or to pay the premiums for general liability insurance is an increasingly serious problem in Pennsylvania. Best's Underwriting Guide assigns police professional liability underwriting the highest hazard index and states that the underwriter evaluate the quality of police officer training. An example of municipal liability risks involving police as determined by a 1985 survey was treatment of suspects and prisoners and was the second most frequent type. (MPOETC curriculum courses specifically and directly address this risk.) An analysis of a number of court cases involving police training indicates that municipalities have an obligation to use care commensurate with the risk of arming policemen to see that they are adequately trained in the proper handling and use of their weapons. (MPOETC training includes training in firearms.) The National Advisory Commission on Criminal Justice Standards and Goals has recommended a state police training commission to oversee the operation of mandatory police training. Forty-eight of the 50 states have such a commission. Further, most Commission members are selected from various groups affected by the decisions of the Commission, and the Commission appears to play a unique role in providing an important link to community needs and state

resources. Although the Commission is fulfilling some of its goals and objectives, there are some areas of Commission responsibility which could be improved as discussed in other findings of this report.

Four of the evaluation criteria addressed in the Pennsylvania sunset audit process are: (1) "whether there is overlap or duplication of effort by other agencies that permit the termination of the agency"; (2) "whether there is a more economical way of accomplishing the objectives of the agency"; (3) "whether there is a demonstrated need, based on service to the public, for the continuing existence of the agency"; and (4) "whether termination would significantly harm or endanger the public health, safety, or welfare." This finding utilizes these criteria in evaluating the functions, activities and performance of the Municipal Police Officers' Education and Training Commission (MPOETC).

#### Legal Basis for the MPOETC

The state statutory authority for the MPOETC in Pennsylvania is Act 120 of 1974 (53 P.S. §740-749) referred to as the Municipal Police Officers' Education and Training Law. The Law requires all political subdivisions to provide training for all members of their police departments hired by them after the effective date of the Act. The Law established the Commission and directs the Commission to establish a municipal police officers' education and training program. The Act assigns the administration of this program as the responsibility of the Pennsylvania State Police. Among the powers and duties of the Commission set forth in the Act are the establishment of minimum courses of study and training for municipal police officers, the establishment of courses of study and in-service training for municipal police officers appointed prior to the effective date of the Act, the approval or revocation of approval of any school which may be utilized to comply with the educational and training requirements and the establishment of minimum qualifications for instructors.

The powers and duties of the Commissioner who is the Commissioner of the Pennsylvania State Police include: the implementation and administration of the minimum courses of study and training as set by the Commission; the issuance of certificates of approval to schools; the certification of instructors pursuant to the minimum qualifications established by the Commission; and the certification of police officers who have satisfactorily completed basic educational and training requirements as established by the Commission.

## The Importance of Municipal Police Training

In a document prepared by the MPOETC, it is estimated that there are approximately 23,000 police officers in Pennsylvania in 1,373 police departments. Of these departments, it is reported that 647 have six to ten members on the force and 726 have five or fewer police officers. Many of these officers are part-time including the chief. The "Sourcebook of Criminal Justice Statistics 1984" reports that Pennsylvania counties and municipalities spent more than \$500 million in direct expenditures for police protection for FY 1981.

As a part of its audit activities, the LB&FC sent questionnaires to a sampling of police officers who had been trained and certified during the period 1984 through November 1986. The comments of these officers to police training was generally positive, and the comments on the strengths of the program and the value of training serve to emphasize the importance of this training from the perspective of those charged with the day-to-day protection of and service to the public. Examples of their statements on the completed questionnaires follow:

- Learning of criminal and vehicle laws that you can enforce so that you are not on the street without any idea of what you can do and what you cannot do.
- Ethics of police work.
- Approaching situations alone, arrest situations, investigation and interrogation situations.
- Teaches officer calm deliberation in situations.
- Understand the legal system.

In a 1973 report of the National Advisory Commission on Criminal Justice Standards and Goals (NACCJSG), the role of the police officer was described as follows:

Police officers are decision makers. A decision - whether to arrest, to make a referral, to seek prosecution, or to use force - has a profound effect on those a police officer serves. Most of these decisions must be made within the span of a few moments and within the physical context of the most aggravated social problems. Yet, the police officer is just as accountable for these decisions as the judge or corrections official for decisions deliberated for months.

In its discussion of training, the NACCJSG said this in the above mentioned report:

If states did not require certain professional licenses, there would be untrained barbers, embalmers, teachers, lawyers and physicians practicing in most cities. But by requiring licenses and setting high training standards, States ensure that these professionals are competent and capable of providing the service the public expects.

A 1967 study by the International Association of Chiefs of Police showed that the average policeman received less than 200 hours of formal training. The study compared that figure to other professions and found that physicians receive more than 11,000 hours, lawyers more than 9,000 hours, teachers more than 7,000 hours, embalmers more than 5,000 hours and barbers more than 4,000. No reasonable person would contend that a barber's responsibility is 20 times greater than a police officer's.

Not all police officers are poorly trained. Some police agencies have provided intensive, quality training for several decades. But until States require certain training standards, police training is likely to remain poor in comparison to other professions. This is especially true in smaller agencies.

The Training Officer's Handbook written by an instructor of police science discusses police training as follows:

Police training is not new. It does appear, however, that there is a greater degree of awareness for the need that police officers receive organized and high quality training for better performance of their duties. There is no substitute for experience as a teacher, on that point we cannot argue. But why stop there and let experience be the only teacher? Why not supplement the officer's experience and field training through good supervision and leadership, by providing him with some additional organized training to further assure his efficiency and effectiveness?

Once the new officer is selected, his in-service training should begin. A basic recruit training program is a must, and most progressive agencies provide such training for each new man for a period of a few days to several months.

In addressing the importance of training part-time police officers, testimony by Major Sidney C. Deyo of the Pennsylvania State Police Bureau of Research and Development presented before the Local Government Commission in 1975 mentioned that "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's expected by the public to respond in the same manner that a well-trained police officer would respond."

In its book entitled Municipal Police Administration, the International City Managers Association states that, "Police work today is approaching the status of a profession. While it may be some years before this objective is achieved, the educational preparation and on-the-job training of police officers will materially contribute to it....Post-induction and in-service training of police officers, [is] a basic essential for every police department and for every officer."

## The Importance of Statewide Training

It is pointed out in the LB&FC pre-audit survey questionnaire completed by the MPOETC that passage of the MPOET Law could be traced to the 1973 National Advisory Commission on Criminal Justice Standards and Goals report. The completed questionnaire referred to two conditions existing in Pennsylvania and in the country at the time of this report as follows:

1. Basic training was not required and consequently some local police officers received little or no training to prepare them to perform their job. This was especially true in the smaller departments.
2. The basic training that did exist varied from location to location. The length of the course given ranged from 40 hours to 400 hours, with the subject matter equally arbitrary.

The head of a large Pennsylvania police department in his completed questionnaire distributed by the LB&FC as part of this audit cited the major strength of the MPOETC program as the standard curriculum statewide and uniform training standards statewide. He also mentioned the ability to find program strategies being used by others across the Commonwealth. Additionally, it would appear that this standardization of police training by a state agency promotes cost effectiveness, particularly in the preparation of curriculum and curriculum support materials. According to a Temple University Associate Professor in Criminal Justice, it is not cost effective for local police departments to develop training courses or curriculum on their own in view of the fact that a majority of departments statewide and nationwide have fewer than ten officers. The move by states across the country toward statewide police training agencies (almost all states now have such agencies) can be at least partially attributed to the efficiency of this approach.

## Police Training and Municipal Liability

As indicated in the 1986 Municipal Yearbook published by the International City Managers Association, an increasingly problematic area is local government liability. ICMA reports as follows: "Now that sovereign immunity is systematically being eliminated for local governments, states have recognized that some protection is necessary for their cities and counties."

In the initial meeting of the audit team with the Chairman of the MPOETC, (the State Police Commissioner), the Commissioner referred to mandatory police training as always being important and that it is becoming more and more important because of recent developments in the municipal liability field.

The ICMA reported that during 1984-85 increases of 300% to 400% in municipal liability insurance premiums was not unusual. Testimony at a hearing on municipal liability insurance held by the Pennsylvania Local Government Commission in September 1985, "...supported well publicized reports that increases in rates were excessive and often unaffordable, that cancellations occurred more frequently and without reason or notice, that policies often

were not renewed, and that deductibles were increased and coverage reduced." It was concluded that the testimony "...clearly established that municipal inability to secure or to pay the premiums for general liability insurance in the current marketplace is an increasingly serious problem throughout the Commonwealth."

In Best's Underwriting Guide, the Police Professional Liability Underwriting Line is given a hazard index of "9" which exceeds, for example, the Workers' Compensation Underwriting Line for police (a hazard index of "8") even though police work is commented upon as being "Dangerous and physically demanding work." The Underwriting Guide states that, "The underwriter should evaluate the quality of police officer training....Does field training include realistic simulations of life threatening situations? How extensive are the courses taught in civil liability? ...Police officers must have thorough training in the use of all equipment, including vehicles, firearms, nightsticks, chemical sprays, electric shock devices and handcuffs."

The Underwriting Guide discusses police professional liability as follows:

Police officers in departments often must defend themselves against charges of negligence, use of excessive force (assault and battery), and deprivation of civil or constitutional rights. Potential negligence exposures include both administrative (vicarious liability exposures) and patrol officer functions: negligent hiring, training or supervision; failure to discipline a miscreant officer; negligent communication of information; failure to act or neglect of duty; and negligent use or entrustment of equipment (vehicles, firearms, chemical sprays, electric shock devices, etc.). Potential civil and constitutional rights exposures include false arrest or imprisonment, denial of access to a judge, to an attorney or to legal research material, malicious prosecution; denial of freedom of speech; illegal searches; and other invasions of privacy.

A report of a 1985 survey of municipalities nationwide conducted by the Wyatt Company and the International City Managers Association showed that of the number of public officials' liability claims for the period 1979 through 1984, 23.5% involved the precipitating circumstance of "Treatment of suspects or prisoners." Of the 24 "precipitating circumstances" listed, treatment of suspects or prisoners was the second highest exceeded only by "Failure to follow legally mandated procedures" (26.4%). Additionally, the report showed that, for the 141 claims reported in the treatment of suspects or prisoners category, 58.9% of the claims cases sought damages exceeding \$100,000.

The United States Court of Appeals, 6th Circuit, affirmed a lower court's decision that a city's failure to train officers regarding arrest procedures was a proper basis for liability<sup>1</sup> in a civil rights action arising from injuries sustained by the arrestee.

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<sup>1</sup>/Rymer v. Davis, 754 F.2d 198 (1985).

The MPOETC basic training course provides 94 hours of training in the law as it pertains to police work, including 24 hours on the legal aspects of search and seizure and 16 hours on "Rules of Criminal Procedure".

An analysis of some court cases involving police training indicates that there appears to be a general attitude in the legal arena that municipal corporations and other political subdivisions have an obligation to use care commensurate with the risk of arming policemen to see that such persons are adequately trained or experienced in the proper handling and use of the weapons that they are to carry.

The Supreme Court of New Jersey, for example, in McAndrew v. Mularcuk, 162 A.2d 820, has held that where an official in general authority in the police department sends or permits a reserve officer to go out on police duty without proper training or experience in handling or using weapons they are to carry, the officer's action is one of negligent commission and is an action of the municipality, and the municipality is liable for any injury resulted from unjustified or negligent shooting which occurs in the course of the performance of the officers duty.

The MPOETC basic training course includes 40 hours of proficiency in firearms training which includes subjects such as "On-Duty Safety" and "Principles of Shooting".

#### Need for A Commission

The National Advisory Commission on Criminal Justice Standards and Goals recommended: "a state police training commission, fully funded and staffed, to oversee the operation of mandatory police training legislation. The commission should establish a minimum curriculum, certify training centers, inspect and evaluate the training centers, consult with police agencies and training staffs, reimburse training, and certify training graduates."

It would appear that the powers and responsibilities of the Commission as delineated in the MPOET Law and mentioned above generally adhere to the recommendations of the National Advisory Committee on Criminal Justice Standards and Goals.

The MPOETC is an integral part of the municipal police training system in Pennsylvania. While the MPOET Law specifies that the administration of the program is the responsibility of the Commissioner of the Pennsylvania State Police, the Act also gives the Commission the power and duty to establish the minimum courses of study, approve training schools, and establish the minimum qualification for instructors for training the municipal police in the Commonwealth. Most members of the MPOETC are selected from various groups affected by the police training decisions of the Commission. These groups include police officers, police chiefs, elected municipal officials, and the general public. The Commission appears to play a unique role in providing an important link to community needs and state resources in the important field of law enforcement training. Additionally, the designation by the MPOET Law of certain members from the law enforcement and educational field provides expertise into the Commission's decision making responsibilities.

Although there are other law enforcement training entities in the Commonwealth, including, for example, the State Police Academy, the Department of

Community Affairs and the Deputy Sheriff's Education and Training Board, and although there are other law enforcement training courses available for local police training, for example, a number of federal programs including the FBI Training School, the MPOETC has the unique responsibility of mandating and providing basic training exclusively for Pennsylvania municipal police officers.

According to the National Association of State Directors of Law Enforcement Training, all but two states (Hawaii and Kansas) have a commission which has authority to establish state minimum mandatory standards for criminal justice personnel.

#### MPOETC Achievement of Goals and Objectives

The goals and objectives of the MPOETC, as described by Commission members in a questionnaire administered by the LB&FC to these members as a part of the audit, would appear to be the provision of mandatory and adequate training for Pennsylvania's municipal police officers. The Chairman of the Commission, the Pennsylvania State Police Commissioner, for example, stated that the goals and objectives of the Commission were "[t]o raise the level of professionalism in Pennsylvania's law enforcement community--the police of Pennsylvania." Additionally, a resolution passed by the Senate in 1975 directing the Local Government Commission to review the MPOET Law, cited the desirability that municipal police officers receive professional training.

The auditors found as a positive step that, in its efforts to achieve its goals, the Municipal Police Officers' Education and Training Commission has initiated an updating of the basic training program by identifying appropriate training needs required by a person to perform the duties of a police officer. In 1981, the Commission completed and published the results of a statewide job task analysis of Pennsylvania police officers' duties. The purpose of the task analysis was reportedly to identify common abilities, skills and tasks required of a police officer in order to develop a "job validated" training curriculum. According to information provided to the auditors by the Commission staff, the results of this analysis were published in two related documents known as the Statewide Job Analysis of the Police Patrol Officer Position and Patrol Officers Statewide Basic Training Needs Analysis. Reportedly, the corresponding basic training needs assessment complemented the job task analysis by identifying areas for improvement in the original basic training curriculum. A revised Municipal Police Officers' Education and Training Program curriculum was developed (see Appendix E) which reflects the findings of the task analysis and basic training needs assessment.

This curriculum was tested at three of the 21 certified training schools. The Commission found through these tests that the schools required certain implementation tools. In June 1986, the Commission awarded a \$105,828 contract to the Temple University Department of Criminal Justice for the development of a final curriculum and other documents necessary to implement the curricula at the 21 certified schools. In Temple University's proposal for developing the training program, these implementation aids were described as "...important so that schools and individual instructors will be capable of satisfactorily meeting the goals and objectives of the instructional modules, that the materials presented will be relevant to and consistent with the training objectives, and that individual student performance will be validly and reliably evaluated."

Temple University will reportedly develop a final curriculum including a policy manual, instructor manuals, student study guides, testing and evaluation manuals and an academy administration manual to be used by certified police training schools. The contract is scheduled to conclude during the summer of 1987.

In the sunset performance audit of the MPOETC, there appeared, however, to be several areas of the law and its administration which inhibit the achievement of Commission goals. Some of the administrative inhibitions are addressed in the other findings of this report while other areas may be addressed legislatively. These areas include the use of waivers, grandfathering, delay in training and a lack of mandatory in-service training. The Commission is apparently aware of and has recognized several of these inhibitions and has proposed amendments to the MPOET Law which in their opinion would provide means to remove or diminish these inhibitions. These legislative proposals are the subject of another finding of this report (Finding N).

## B. PUBLIC INPUT AND PARTICIPATION

FINDING: The audit revealed that the Municipal Police Officers' Education and Training Commission (MPOETC) is in general compliance with the "Open Meeting Law" requiring the publication of the date and place of Commission meetings prior to each meeting and other public notice requirements. The MPOETC does not, however, adhere to the Open Meeting Law requirement of publishing an annual listing of tentative meeting dates for the Commission or the several committees. The auditors further noted that Commission meetings have been held at different locations throughout the state and that there was an opportunity for public input at these meetings. In addition, it was noted by the auditors that, as required by law, the Commission has one designated member to represent the public at-large and six elected officials (four from municipalities and two from the General Assembly). These members have, with three exceptions, attended half or more of the Commission meetings and serve on various committees of the Commission. There are no constraints indicated in statutes, however, which place limitations on the past or present activity and/or association of the "public member" such as is included in, for example, the public member associated with the State Board of Private Licensed Schools. Additionally, the MPOETC issues two documents promoting public input through the dissemination of information pertaining to the Commission: (a) a quarterly newsletter and (b) an Annual Report as required by 53 P.S. §774(6). The auditors also noted that Commission meetings are held at various locations throughout the Commonwealth. It is recommended that if the MPOETC is reestablished the Commission adhere to the Open Meeting Law requiring the publishing of an annual list of tentative meeting dates of Commission and committee meetings and requiring the publishing of the date and location of the committee meetings prior to each meeting. It is further recommended that state law be amended to provide that the designated public member is not nor has ever been a police officer and is not affiliated nor has ever been affiliated with a certified police training school. It is also recommended that the General Assembly amend the MPOET Law to include a provision similar to that of the professional licensing boards within the Bureau of Professional and Occupational Affairs which requires regular attendance of Board members. Additionally, it is recommended that consideration be given to allowing "elected official" members to send official designees in their place when they are unable to attend Commission meetings.

One of the evaluation criteria to be addressed in the sunset performance audit process is "whether the agency has encouraged public participation in the making of its rules and decisions or whether the agency has permitted participation solely by the person it regulates." To address this criterion, the auditors attempted to determine what mechanisms exist through which public input can be made into the decisions of the Commission.

### Commission and Committee Meetings

During the period January 1984 through December 1986, the Municipal Police Officers' Education and Training Commission held 12 regular meetings. Prior to each meeting the Commission published the date, time and location of the meeting in a newspaper of general circulation as required by the provisions of Act 1974-175, 65 P.S. §261 et seq., the "Open Meeting Law" or "Sunshine Act." The Act further requires that "Public notice of the schedule of regular meetings shall be given once for each calendar or fiscal year and shall show the regular dates and times for meetings and place at which meetings are held." This schedule is to be published in a newspaper of general circulation at least three days prior to the time of the first regularly scheduled meeting. An auditors' check of the Bureau of Management Service's files on meeting notice advertising indicated that an annual listing of tentative Commission meeting dates prior to each calendar or fiscal year is not published in a newspaper of general circulation.

Additionally, the Commission has 12 committees which meet periodically; a number of these committees meet prior to each Commission meeting. It appears some of these committee meetings were also subject to the provisions of the Sunshine Act. The date and place of these meetings, however, have not been published in a newspaper of general circulation and an annual listing of tentative committee dates has not been published in a newspaper of general circulation prior to each calendar or fiscal year. According to the Assistant Counsel assigned to the Pennsylvania State Police who provides legal services to the MPOETC, under the recently amended "Sunshine Act" the place, date and time of all committee meetings must, in the future, be published in a newspaper of general circulation. The recently amended Act also appears to require that these type of meetings be open to the public.

The auditors further noted that during 1984, all Commission meetings were held at Hershey. However, at the November 1984 Commission meeting a policy that at least one Commission meeting per year be held in a location other than Hershey was approved. During 1985 and 1986, six of the eight Commission meetings were held in locations other than Hershey. These meetings were held throughout the state and were noted in the MPOETC Newsletter which is distributed to all police departments, certified schools and other interested parties. According to one Commission member, this policy of holding Commission meetings throughout the state is to provide greater opportunity for input into Commission meetings by all Pennsylvania police departments.

### Commission Membership

The auditors noted that the legislature recognized a need for input into Commission decision-making from individuals representing the public at large when they made provision in 53 P.S. §743.10 requiring one member of the Commission to represent the public at large. The potential exists, however, for a lack of direct public member participation in the absence of a legal mandate which would define a public member as a person unaffiliated with the area being regulated. Other state regulating agencies have similar provisions in their enabling legislation. For example, the State Board of Private Licensed Schools, which is responsible for regulating private business, trade and correspondence schools, has language in its enabling legislation which provides for the appointment of public members as well as a definition of such as follows: Public members "...shall be representa-

tives of the general public having no current affiliation with private licensed schools." The auditors have noted that the public member currently appointed to the Commission is not nor ever has been a police officer and it not affiliated with nor has ever been affiliated with an MPOETC certified police training school.

Additionally, the General Assembly made provision for six members to be elected officials representing a diversity of publics. The Commission's enabling legislation (53 P.S. §743.6) requires, as part of the Commission's composition, that one member is to be an elected borough official, one is to be an elected first class township official, one is to be an elected second class township official, one is to be an elected city official, one is to be a Member of the Senate of Pennsylvania and one is to be a Member of the Pennsylvania House of Representatives.

In an effort to determine how actively the above mentioned Commission members participate in Commission decision-making, the auditors reviewed individual membership on Commission committees as well as member attendance at Commission meetings. The public member position is presently filled and in the last three years the public member has attended eleven of the twelve Commission meetings and chairs the School Inspection and Certification Committee and the Regionalization Committee. Currently there are six elected officials appointed to the Commission. Four of these members are to be elected officials of municipalities. Of the last eight Commission meetings, the six elected officials have attended eight, seven, four, two, one, and zero meetings respectively. Elected officials hold membership on six of the Commission's committees, with one sitting on four of the committees, one elected official sitting on two of the committees and a third elected official sitting on one of the committees.

Consistent attendance would appear to be essential to keep informed about Commission activities and to provide continuing direction and support. As stated in a Department of State, Bureau of Professional and Occupational Affairs (BPOA) publication, "An individual who accepts appointment to a board . . . and does not take seriously the duty to be there regularly and actively, does a disservice to the board and to the public he/she is supposed to represent." Additionally, recent legislation passed to reestablish BPOA professional licensure boards which were reviewed under Act 1981-142, the Sunset Act, include a provisions such as the following:

A member of the board who fails to attend three consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of an immediate family member.

#### Public Notice

As a means of providing public information on agency activities and providing public participation in agency decision-making, the Commission is required by the Commonwealth Documents Law to publish proposed regulations in the Pennsylvania Bulletin for a 30-day public comment period prior to final adoption. In accordance with 53 P.S. §745(a) the Commissioner is given the authority to "...make such rules and regulations...as may be reasonably necessary or appropriate...." The auditors reviewed the Pennsylvania Bulletin for indications of such compliance and found that the

Commission was generally in compliance with the Commonwealth Documents Law. For example, on August 13, 1983, the Commission adopted a regulation pertaining to the use of a pilot training course in addition to the use of the existing regular basic or recruit training course. The notice of proposed rule-making was published on May 21, 1983, with an invitation for interested parties to submit written comments. No comments were received in response to this proposed regulation. On May 24, 1983 the Independent Regulatory Review Commission approved the regulation as published in the notice of proposed rule-making.

Management Directive #250.3, October 5, 1983, provides guidelines for agency submission of bid information on proposed contracts. The objectives of the Directive are two-fold: "to provide Pennsylvania businesses with information on proposed contracts" and "to provide state agencies with a means to expand their opportunities for competitive contract outreach." The Directive mandates, in part, that requests for proposals involving expenditures of \$5,000 or more are to be published in the Pennsylvania Bulletin. The auditors reviewed the PA Bulletin for CY 1984 through the present and found that the State Police had published one request for proposal in the January 25, 1986, PA Bulletin. The purpose of the RFP was to develop a detailed updated curriculum to standardize the training and assessment of student achievement for schools approved by the Municipal Police Officer's Education and Training Commission to provide training under Act 120.

#### Commission Publications

As another means of soliciting public input, the Commission issues a quarterly newsletter. The newsletter is distributed to Commission members, police departments, certified schools and other interested parties. As stated in the newsletter, its purpose is to "...improve communication among police agencies, the training institutions and the Commission." The newsletter requests that questions and comments be directed to the Executive Director of the Commission. The newsletter also contains the names of all the Commission members, the address and the toll-free phone number of the MPOETC. As stated in the newsletter, this toll-free number was added in mid-1986 to improve communications between the Commission and local police departments. The contents of the newsletter include updates of information, past Commission activities, planned activities, regulation review and in-service training grants approved. The newsletter also promotes public input by asking for opinions on Commission policies and decisions. As an example of this, the August 1984 newsletter included a survey questionnaire asking police chiefs' opinions on the possibility of moving the Commission meeting locations around the state.

Another vehicle for distributing Commission information is the Commission's Annual Report. As specified in 53 P.S. §744(6), the Commission must "...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." The auditors found that for the years 1981-1986, Annual Reports had been issued every year. Information contained in these reports includes Commission membership, certified schools, Commission meeting summaries and financial data pertaining to the Commission and its activities.

### Public Input at Commission Meetings

Finally, it appears that the public has input into Commission meetings. The Commission, through 53 P.S. §774, has broad powers to determine the standards of training for municipal police officers. Examples of this are the power to "...establish the minimum courses of study and training for municipal police officers" and the duty to "...promote the most efficient and economical program for police training by utilizing existing facilities, programs and qualified State, local and Federal police personnel." Because of these duties and powers, public input into the Commission meetings would appear to be important. Examples of public input during Commission meetings can be seen in the December 5, 1985, meeting minutes in which a police chief brought forth some concerns about students being certified; and, in the March 6, 1986, meeting minutes in which a school instructor wished to convey his confidence in an Act 120 pilot program to the Commission; and at the December 11, 1986, meeting at which the newly elected Chairman of the Association of Certified Police Training Schools was introduced and briefly presented the plans and goals of his organization.

### C. IMPROVEMENTS NEEDED IN AUDITING OF TRAINING MONIES

FINDING: The MPOETC provides training funds to municipalities for both in-service and basic training. For in-service training grants, Commission rules and regulations require municipalities to provide documentation verifying actual expenses prior to receiving total grant monies. There are, however, no similar provisions pertaining to basic training reimbursements which comprise the bulk of Commission disbursements. Only a notarized statement from the municipal governing body stating that the law and rules and regulations are being adhered to is required. During FY 1985-86, the Commission reimbursed \$1,990,575 to municipal governments for expenses incurred by 434 police officers while attending the Commission's basic training program. The Comptroller's Office only conducts field audits of selected municipalities as specified in its Agency Annual Audit Plan. Reportedly, the Comptroller's Office billed municipalities \$52,800 for wrongfully received funds found as a result of approximately 504 audit hours of selected municipalities during fiscal year 1984-85. This appeared to be primarily related to audit efforts focused on one group of municipalities as a result of a problem with two certified training schools. A Comptroller's Office official reported that the Comptroller's Office plans to propose that documentation of expenses be provided by municipalities to be used to pre-audit expenses prior to reimbursement as well as assist the Comptroller's Office in selecting municipalities to be field audited. Although the Commission proposed regulations in 1981 which would require that documented proof of expenses accompany the request for reimbursement before payment is made, these regulations were never adopted. Other state agencies require audits of municipalities receiving state monies in order to verify actual expenditures of such monies and ensure compliance with applicable laws. For example, municipalities receiving Liquid Fuels Tax Funds are audited annually. It is recommended that the Commission's regulations be amended to include provisions requiring documentation of expenses incurred by municipalities for participation in the basic training program similar to those proposed in 1981 and existing in the current regulations governing the administration of the in-service training grant program. It is further recommended that the Commission amend its regulations to stipulate in the training agreement that municipalities be required to have monies received from the MPOETC be audited annually as part of their annual audit requirements and to submit such findings to the Commission; consideration should be given to applying sanctions to a municipality for non-adherence to such a reporting requirement. It is also recommended that the Comptroller's Office continue its program of field audits of municipalities on a selective basis.

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\*/Please also see Comptroller's response in Appendix I.

Two of the criteria to be addressed in the sunset performance audit process are: "whether the operation of the agency has been in the public interest," and "whether there is a more economical way of accomplishing the objectives of the agency." The auditors addressed these criteria during an examination of the Commission's procedures for auditing municipal governments receiving reimbursement monies from the Municipal Police Officers' Education and Training Commission for the training of their police officers.

One of the Commission's responsibilities for administering the Municipal Officers' Education and Training Program is to provide reimbursements to municipal governments for expenses they incur for training their police officers for certification and for providing voluntary in-service training programs for their officers which are approved by the Commission. During FY 1985-86 the Commission reimbursed \$1,990,575 to municipal governments for expenses incurred by 434<sup>1</sup>/police officers while attending the Commission's basic training program. During FY 1985-86, the Commission also provided grants to municipal governments totaling \$247,274 for in-service training programs provided to 7,440 officers. While the Commission's regulations require that municipalities provide documentation verifying actual expenses for in-service training grant expenses prior to receiving total grant monies, there is no statutory or regulatory provision charging the Commission with responsibility to require municipalities to provide documentation verifying actual expenses incurred prior to disbursement of basic training monies.

#### Audit of In-Service Training Grants

Section 201.44 of the Commission's rules and regulations provides guidelines for the administration of grants provided to political subdivisions for expenses incurred for providing voluntary in-service training programs to their police officers. The pertinent section of the regulations requires the Commission to cause an audit of funds they disburse for this purpose in the following manner:

- (1) One half of the grant shall be disbursed to the requesting political subdivision within 30 days after approval of the grant application, except in instances for cause shown;
- (2) The Commission will, within 120 days after conclusion of a funded in-service training program, except in instances for cause shown, cause an audit of the appropriate records of the political subdivision to be conducted to verify actual allowable grant expenditures. The Commission will within 30 days after completion of the audit, except in instances for cause shown, notify the political subdivision of the audit results in writing, by certified mail, return receipt requested.

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<sup>1</sup>/Exhibit E in the MPOETC background section of this report provides a detailed breakdown of these expenditures.

(3) The political subdivision shall acknowledge the results of the audit by returning the provided form to the Commission; whereupon, the Commission will disburse the balance of training funds due the political subdivision provided an administrative hearing has not been requested.

The Commission's Budget Analyst reported that municipalities applying for in-service training grants must submit an application to the Commission's in-service training committee for approval. Upon approval by the committee, 50% of the grant monies are disbursed. To obtain the balance of the training funds, the municipality must complete form SP8-330B "Audit and Course Roster" by providing information of grant expenses categorized as follows: (a) instructors (remuneration); (b) contractual (rentals); (c) supplies (equipment purchases prohibited); (d) administration; (e) other. The instructions on the Audit and Course Roster indicate that "prior to payment of the remaining 50%...the applicant must include with this form copies of receipts, invoices, checks, payrolls, or any other documents to substantiate the total amount of the grant request." According to a Commission document titled "In-Service Training" which the Commission staff uses as a guide for administering in-service training grants. "If [the] grant amount after [the] desk audit is different than [the] amount approved, [the] political subdivision will be notified in writing by the Commissioner prior to release of [the] last half of grant payment."

#### Audit of Basic Training Reimbursements

To obtain reimbursement for allowable expenses incurred by police officers while attending the required basic training program, the municipalities must submit form SP-8-310 "Request for Reimbursement Under Act 120, 1974." Documentation confirming actual expenses incurred is not a requirement as part of this application. Rather, the municipality is instructed to "provide a certified copy of a resolution(s) adopted by its governing body(s) providing that while receiving any state funds pursuant to the cited act, the political subdivision or group of political subdivisions acting in concert will adhere to the standards for training established by the commission."

#### Comptroller's Audit Role

The auditors were informed that field audits of municipalities to verify expenses for training of their police officers through the Municipal Police Officers' Education and Training Program were previously performed by the State Police Comptroller's Office Internal Audit Division. The Commission's Budget Analyst, who served as the director of this division, reported that the division, which included a team of five auditors, was responsible for conducting compliance audits and fiscal audits of all police departments for adherence to Commission regulations and to verify actual expenditures of MPOETC monies. The Budget Analyst reported that the division was disbanded in January 1981 and the amount of auditing was reduced and performed by three part-time Comptroller's Office auditors.

During an interview with a Comptroller's Office official, the auditors learned that the Comptroller's Office conducts field audits of monies received by selected municipal departments as provided in its Annual Agency

Audit Plan (AAAP). The Comptroller's 1986-87 AAAP for the MPOETC includes an allocation of 120 man-hours for selected municipal police department audits.

The plan also includes an allocation of 120 man-hours for an operational audit of the Commission. A Comptroller's Office official reported that these audits have not been conducted and that the Comptroller's Office was planning (as of January 1987) a "new approach" to its audit plan. The official reported that the Comptroller's Office plans to propose that documentation of expenses be provided by municipalities to the Commission which could be used by the Commission to pre-audit expenses prior to reimbursement as well as to assist the Comptroller's Office in selecting municipalities to be audited thereby maximizing field auditing efforts. The official reported that a major item for which reimbursement is provided without documentation of actual expenses is the amount of salary paid to police officers.

According to a Comptroller's Office official, the Comptroller's Office billed municipalities \$50,800 for wrongfully received training funds found as a result of approximately 504 audit man hours involving 35 selected municipalities performed during fiscal year 1984-85. In fiscal year 1984-85, audit efforts were focused on municipalities which were involved in possible improper use of Commission funds by two training schools. During the previous fiscal year the Comptroller's Office billed municipalities for \$18,200 for wrongfully received funds as a result of 702 audit man-hours conducted involving approximately 110 selected municipalities. A Comptroller's Office document titled "Municipal Police Officers' Education and Training Program Aging of Unaudited Reimbursement Requests" (as of April 31, 1985) reports that from prior to 1979 and through 1985, approximately 1,300 police officers incurred approximately \$3 million while attending MPOETC training which was reimbursed to municipalities and has not been audited.

#### Planned Revisions

The auditors noted that in 1981 proposed amendments to the Commission's regulations (37 Pa. Code 201.1, 201.42, 201.51) were published at 11 PA Bulletin 2690 (August 1, 1981). These would have required that documented proof of expenses accompany the request for reimbursement before payment is made. Such amendments, however, were never adopted by the Commission. It would appear that mandating that such documentation would act as a deterrent for municipalities misusing MPOETC training funds as well as provide the Commission staff or Comptroller's Office with necessary information to perform audits of expenditures prior to disbursement of monies.

Additionally, the auditors noted that certain proposed revisions to the MPOET Law, which had been approved by the Commission at the time of this audit, could increase reimbursements to municipalities thereby expanding the importance of the auditing process. One proposed revision would increase the reimbursement of 50% of the officer's salary while attending the basic training program to 100%. The Commission's current Program Revision Request (PRR) reported that this revision could result in an increased cost of \$1,513,688. Another revision would require that police officers participate in mandatory periodic in-service training which will subsequently result in

increased amounts borne by the Commission for in-service training grants if adopted.

Another proposed amendment pertains to penalties as follows: "Any political subdivision or group thereof acting in concert that employs an officer in violation of the provision of this act shall be deemed ineligible for any funding or revenue sharing from the Commonwealth of Pennsylvania."

#### Other State Audit Procedures

The auditors found that other state agencies cause audits to be undertaken or provide other accountability measures to be undertaken by municipalities or other local organizations receiving state monies in order to verify actual expenditures of such monies and ensure compliance with applicable laws. For example, the Pennsylvania Department of Transportation field auditors perform annual audits of municipalities receiving Liquid Fuels Tax Funds. According to a document titled "Guidelines for Examination of Liquid Fuels Tax Funds of Pennsylvania Municipalities," municipalities may also request that an audit of their liquid fuels tax funds be provided by certified public accountants instead of the PennDOT audit.

Additionally, the Pennsylvania Historical and Museum Commission (PHMC) provides state grants to local museums and related entities through preferred and non-preferred appropriations and Museum Assistance and Local History Grant Program grants administered by the PHMC. While these recipients are not under the direct control of the Commonwealth, the PHMC has developed guidelines and conditions for participating in the Museum Assistance and Local History Grant Program which provides important accountability provisions. For example, the "Guide to the Grant Programs of the Pennsylvania Historical and Museum Commission 1986-87" provides guidelines for maintenance of financial records and the submission of a written report and notarized financial statements sworn to and signed by the grantee's chief executive officer.

#### Municipal Audits

The Department of Community Affairs has published a document titled "Auditor's Guide" to assist borough and township auditors. This document indicates that boroughs and townships are required "...by their codes to have an annual audit made either by: (1) three elected auditors; or (2) an elected comptroller; or (3) under certain circumstances, certified public accountants or persons skilled in auditing who may be appointed to make the audit instead of or in addition to the elected auditors."

The Guide comments on the nature and importance of auditing as follows: "The independent review of the auditor passes judgement as to facts, supporting evidence, and adherence to generally accepted accounting principles applied consistently from year to year..., it is important for the auditor to alert possible irregularities and fraud resulting from weaknesses in internal control. It is important for the auditor to inform the responsible officials about such weaknesses." The Guide also states that boroughs and townships are required by their municipal codes to annually submit audit findings of their auditor's report to the Department of Community Affairs.

#### D. NEED FOR IMPROVED MANAGEMENT TOOLS

**FINDING:** As a part of its activities, the audit staff reviewed the management control mechanisms of the MPOETC and found certain internal controls absent or in need of improvement. First, the auditors found that the Commission has not established operational goals and objectives or a goals and objectives measurement system. The Commission's Executive Director reported that the Commission plans to develop program goals and objectives which will be related to a five-year plan for the program which was at the time of the audit reported to be in the early planning stages. The establishment of goals and objectives would appear to assist the Commission in a determination of proper staffing levels and help to assure staff efforts are focused on fulfilling the functions of the Commission. Secondly, the auditors found there was no comprehensive program procedures manual. Additionally, while written guidelines existed for certain operations, they were absent for a number of Commission and staff procedural activities. Additional written guidelines and a comprehensive procedures manual would clarify specific duties and responsibilities of individual staff members. Finally, the auditors found certain staff job descriptions to be outdated, and it was indicated by a State Police Bureau of Personnel representative that a reclassification of two staff positions was needed. For example, job descriptions for two staff positions include the responsibility for conducting annual inspections of schools certified under the MPOETC Training Program and the PSP Lethal Weapons Training Program. This duty, however, is not performed by these individuals but rather is performed by the staff's Personnel Analyst II hired in March 1986. The importance of internal control standards are discussed in a General Accounting Office (GAO) document as follows: "...internal controls are means by which an agency regulates and guides its operations... [they] are checks and balances that guard against undesirable actions and, therefore, are tools to facilitate achieving goals." It is recommended that the Commission initiate an improvement of and/or further development of its internal management controls system, specifically including: (a) program goals and objectives and an evaluation system to measure attainment; (b) a written procedures manual; and (c) a revision of job descriptions and reclassification of improperly classified staff positions. It is further recommended that the Commission establish a time frame for the implementation of these controls and provide such a time frame as well as an implementation status report to the standing committee assigned sunset review.

As indicated in Finding A of this report, the Commission is charged with carrying out important duties and responsibilities which serve to promote the protection of the public safety and welfare. As indicated in several other findings of this report, however, (for example, see Findings C, E and F), there are some weaknesses in carrying out these duties and responsibilities.

In part, this may be due to a need for improvement in the Commission's management control systems. During the conduct of this audit, the auditors found several useful management tools or internal controls which need to be initiated or improved. The auditors found a lack of program goals and objectives or a measurement system for determining goal and objective attainment, a lack of comprehensive written guidelines or procedures manual, and a need to revise job descriptions as well as a need to reclassify certain improperly classified staff positions.

In a document published by the General Accounting Office (GAO), the GAO discusses the importance of internal control standards:

[R]esponsibility for an agency's internal control lies with the managers of that agency. In a broad sense, internal controls are the means by which an agency regulates and guides its operations. Internal controls apply to all activities of an agency, not just traditional accounting and financial management activities and therefore should be an integral part of all agency operations.

Internal controls are checks and balances that guard against undesirable actions, and therefore, are tools to facilitate achieving goals. Controls are designed to prevent or detect (1) actions that are counterproductive, (2) practices that are inefficient or ineffective, or (3) errors and irregularities. Controls that detect come into play after the fact; they identify the undesired occurrence and, by doing so, provide data for correction.<sup>1/</sup>

#### Program Goals and Objectives

A completed Pre-Audit Survey Questionnaire, which the LB&FC distributes to agencies to be audited as part of the formal audit process, indicates that the Commission has not established operational goals and objectives. Therefore, a system to measure attainment of goals also has not been developed. One question asked in the Pre-Audit Survey Questionnaire is "Whether the agency collects information on a systematic basis to determine whether or not the objectives [of the agency] are being met?" The Commission indicated that such information was not collected and responded to the question as follows: "The program has been in a maintenance phase for several years due to a lack of staff."

Some state agencies have in place formal systems for establishing yearly operational goals, for example, the Office of Vocational Rehabilitation (OVR) located within the Department of Labor and Industry. The OVR, in conjunction with the State Board of Vocational Rehabilitation, develops operational goals and objectives for a three-year period as part of a strategic planning process for the State's vocational rehabilitation program. In October 1983, a document titled, Vocational Rehabilitation State Plan and Implementation Criteria, was issued for the State Fiscal Years 1984-86.

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<sup>1/</sup>Standards for Internal Controls in the Federal Government, exposure draft, General Accounting Office, December 1982.

The State Plan addresses eleven broad goals. An example is, "To meet the vocational and rehabilitation needs of the severely handicapped individual in his community through a network of rehabilitation linkages." Under each goal are a number of more specific objectives with action plans and implementation criteria. The OVR periodically develops a progress status report for these objectives as a measurement system to indicated to management whether goals and objectives are effectively being met.

The Commission and Commission's staff have recognized the need to establish goals and objectives for the implementation of the Municipal Police Officers' Education and Training Program. During an interview with the Commission's Executive Director, the auditors learned that the MPOETC plans to develop program goals and objectives which will be related to a five-year plan for the Municipal Police Officers' Education and Training Program which is in the early planning stages. The current Director (appointed in early 1986) indicated that there are many policy questions concerning the current implementation of the training program which have not been addressed since the creation of the program in 1974. The Executive Director further indicated that the Commission's current priority is a major revision of its enabling legislation and rules and regulations as well as the development of a new training program curriculum. The Commission reportedly plans to develop program goals and objectives after these more immediate and basic program problems are resolved.

The Executive Director as well as members of the Commission indicated to the auditors that the program has been insufficiently staffed to the extent that the training program has not been effectively administered. (See Finding C for more information concerning auditing local government reimbursements; Finding F on determining municipal compliance; and Finding G on problems related to monitoring of certified schools.) It would appear that the establishment of formalized goals and objectives would assist the Commission in a determination of the proper staffing levels and to help assure that staff efforts are most effectively and efficiently focused on fulfilling functions of the Commission.

#### Written Guidelines

The auditors found that the responsibilities of the Commission's staff are divided among two separate Pennsylvania State Police (PSP) administered programs: the Municipal Police Officers' Education and Training Program and the Lethal Weapons Training Program. The staff's duties and responsibilities for administering these two programs are not established through written policies and guidelines. The establishment of written procedures would appear to give the staff a clearer understanding of their responsibilities and duties regarding each. The Commission's staff is responsible for certifying and annually inspecting schools which provide training for both programs. Of the 50 certified schools combined for both programs, eight of these schools have dual certification under both programs. The forms used in MPOETC school inspection process, for example, consist of a two-sided inspection report which provides no criteria for inspection evaluation and a form which lists required courses to be taught with a space to record hours actually taught.

The auditors noted that the staff has developed documents titled, Unwritten Policy for the Act 120 Program and Unwritten Policy for Act 235, (Lethal Weapons Training Act, 22 P.S. §41 et seq.). Although these policies may

aid the staff in performing duties and responsibilities where routine activities require individual decision making, they do not provide specific operational guidelines as well as a designation of duties and authority to individual staff members. The Executive Director of the MPOETC informed the auditors that written procedures would be helpful in designating staff authority and duties for administering the MPOETC Program and that the establishment of written procedures would help in the training of new employees.

#### Job Descriptions and Reclassifications

The auditors found that Commission staff job descriptions need to be developed or revised for certain staff members and that two members of the staff are performing duties which they are not assigned to perform under their existing job descriptions. For example, job descriptions dated November 1985 for both Administrative Officer II and Accountant II positions indicate responsibilities for conducting annual inspections of schools certified under the MPOETC Training Program and PSP Lethal Weapons Training Program. This duty was reportedly reassigned exclusively to the staff's Personnel Analyst II when hired in March 1986. A Pennsylvania State Police (PSP) Bureau of Personnel official reported that a job description for the Personnel Analyst II position was unavailable. The official further reported that this staff member was previously assigned the duties of Personnel Analyst II in the PSP Bureau of Personnel before being transferred to the Commission staff. Reportedly, the Personnel Analyst II is currently performing the duties of a Management Analyst II and has never been reclassified.

The auditors were also informed by the PSP Bureau Personnel representative that the Bureau was planning to conduct a desk audit of an MPOETC staff member hired as a Clerk Typist II in June 1986 who has been assigned expanded responsibility in processing applications from police departments requesting reimbursement for training.

Management Directive 520.7, June 4, 1982, addresses procedures for the "Development and Validation of Classification Standards" and outlines responsibilities for agency heads as follows:

"Heads of agencies are responsible for assigning duties and responsibilities to positions, insuring that classification standards applied to positions under their direction are accurate, and for reporting and recommending appropriate changes to the Secretary of Budget and Administration for those classification standards which are no longer appropriate."

A revision of certain staff job descriptions and assessment of current tasks related to job descriptions would appear to give the staff a clearer understanding of their responsibilities and duties. Additionally, a revision of job descriptions and, in one instance, the development of a job description would provide management with measurable standards to assess individual employee and overall program performance.

#### E. NEED TO RECERTIFY TRAINING PROGRAM INSTRUCTORS

FINDING: The MPOETC has no provision in its enabling legislation or rules and regulations which provides for continued monitoring of instructors once certified. Some instructor certificates were issued by the Commission in the mid-1970s during its first years of operation and there has generally been no continued systematic communication since that time with these individuals. Files on certified instructors maintained by the MPOETC contain, for example, no record of classes taught by the instructor. As of September 1986, there were 3,347 MPOETC certified instructors on file with the Commission. The current procedure for certifying instructors without a periodic review of credentials to ensure continued competency presents a potential threat to the public safety in that certified schools may employ instructors to teach subject matter for which they no longer possess up-to-date expertise or experience. The International City Managers Association points out that changes are taking place in police employee relations, public relations and in the technology of police work as well as in educational preparation for police careers and that this may result in a diminishment of the quality of training which new recruits receive and in their ability to perform their duties as police officers. The auditors reviewed the training and certification program of the Department of Health for instructors of Emergency Medical Technicians and determined that periodic recertification is required and is based on the number of courses taught and on demonstration of continuing education in the field. The auditors noted that the Commission recognizes a need to increase its monitorship of certified instructors. The Commission plans through proposed draft amendments to the MPOET Law to reduce certified instructors to those who continue to demonstrate use of their certified skills. The Commission also would like to require that all applicants for instructor certification be affiliated with a certified training school. Finally, as part of proposed revisions to the Commission's enabling legislation, the Commission has suggested a revision which would give the Commission authority to revoke instructor certificates as well as develop requirements for continued certification. It is recommended that the MPOETC Law be amended to give the Commission authority to revoke instructor certifications and develop requirements for continued certification. It is also recommended that the requirements include periodic MPOETC recertification based on, at the minimum, regular participation in course instruction and that a fee be charged for recertification which would be sufficient to cover the cost of the recertification process.

One of the criteria the auditors used during the sunset performance audit of the Municipal Police Officers' Education and Training Commission (MPOETC) was "whether the operation of the agency has been in the public interest." To address this criterion the auditors reviewed the Commission's rules and regulations and enabling legislation concerning continued competency requirements for persons who have been certified to instruct the Municipal Police Officers' Education and Training Program.

As of September 1986, the MPOETC had certified 3,347 persons to instruct specific areas of its 480-hour basic training program. The Commission has no provisions in its enabling legislation or Rules and Regulations which would provide for continued monitoring of instructors once certified. Some of the certificates were issued by the Commission in the mid 1970s during its first years of operation. The Commission's Executive Director reported that the Commission's records on certified instructors are outdated. For example, in a recent attempt to contact certified instructors, 60% of the mailing was returned as undeliverable.

According to section 201.23 of the Commission's Rules and Regulations, the three types of instructor certificates issued by the Commission are: Instructor for Professional Law Enforcement Skills; Instructor for General Subjects; and Firearms Instructor. The Commission staff reported that the Commission amends certificates when it grants approval to teach specific courses designated in the training program for which original certification does not apply. There are 31 course areas within the five main topic areas of the 480-hour training program for which certificates can be amended for those instructors who have adequate credentials and expertise. All instructor applications must contain documentation of expertise required by the Commission's minimum standards for certification which are reviewed by the Commission's Instructor Approval Committee.<sup>1/</sup> Upon reviewing such notarized applications with documentation of competency, the Committee recommends approval or disapproval to the full Commission for final action.

The Rules and Regulations, however, provide for no periodic monitoring of certified instructors and instructor files do not indicate, for example, the number or date of courses taught.

The member of the Commission who represents the educational community reported that the current procedure for certifying instructors without a periodic review of credentials to ensure continual competency may present a potential threat to the public health and safety in Pennsylvania in that certified schools may employ instructors to teach subject matter for which they no longer possess up-to-date expertise in or experience. The Commission member further reported that this may result in a diminishment of the quality of training recruits receive and their ability to perform their duties as police officers.

A document on municipal police administration published by the International City Managers' Association discusses the dynamics of police work and the need to continually update information and training.

In the past 25 years changes have taken place in the employee relations, public relations, and technology of police work as well as in educational preparation for police careers. This has been a continuous process in the entire social structure, and neither additional changes

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<sup>1/</sup>See Appendix F for the Commission's minimum standards for instructor certification.

nor their effects are likely to lessen in the next 25 years. Communications, equipment, supervision and tactics require modification to meet changing conditions, and they become increasingly complex. Therefore, experienced officers must be briefed on new developments that will enable them to do their work better and more easily. Recruits must be given thorough grounding in the police function and their relationship to it in order to be equipped for the job. Men do not stay trained. Even if they do not forget what they have learned, it is continually made obsolete by improved technology and social changes, and frequent renewal is required to keep it current and useful.

#### Recertification Procedures of Other State Agencies

In an effort to assess other state government agency responsibilities for oversight of licensed or certified practitioners to ensure continual competency, the auditors reviewed rules and regulations of the Department of State's Bureau of Professional and Occupational Affairs' 22 occupational licensing boards. Although the auditors recognize differences in the scope of oversight responsibilities between the Commission and the BPOA boards, the auditors found that certain of the licensing boards require relicensure of their licensees upon an expiration date as well as some type of reassessment of a candidate for relicensure who has not been licensed for a designated period of time. For example, the Chiropractic Board rules and regulations provide that if the applicant fails to renew an expired license for a period greater than five years, the applicant may become relicensed if he:

Provides evidence that he has been in active practice in another state during the time of his lapsed registration or passes a limited examination as provided for in Section 6 of the Chiropractic Registration Act of 1951.

Another example is the Pharmacy Board's rules and regulations which state:

Any registered pharmacist who has not been currently licensed to practice pharmacy for the past five years shall show proof to the Board of his proficiency to engage in the practice thereof.

Additionally, the Pharmacy Board's law provides that licensed pharmacist be charged a fee upon submission of applications for biennial license renewal.

Additionally, the auditors found that the Pennsylvania Department of Health, Division of Emergency Health Services imposes guidelines for recertification of Emergency Medical Technician instructors (as authorized by Public Law 1205, No. 264 of November 1976). These guidelines are delineated in the Divisions' "Training, Certification and Evaluation Manual" as follows:

The following are the minimum guidelines which must be followed in order to be recertified as an Instructor.

A. Instructors must teach a minimum of 20 class hours each year of formal recognized programs of instruction. The programs may include First Responder, Emergency Medical Technician and Refresher.

B. An endorsement from the County Coordinator and/or Training Institute, through the Regional Organization to the Division, must recommend recertification and verify the minimum teaching requirements.

C. Submit a registration form H112.004.

D. EMT Certification must be current.

When an EMT instructor has been absent from teaching for a period of time, an Instructor may be reinstated when a request is approved by the training institute and/or County Council and the Regional Organization.

The Manual also provides the following reasons for revocation of instructor certifications:

The Division has the authority to revoke Instructor certification upon written request from the county coordinator and/or training institute and Regional Organization, providing that:

A. EMT certification expires and no attempt is made to recertify after three months expiration;

B. Regional Organization submits documentation that the instructor fails to teach consistent with the current curriculum.

#### MPOETC Planned Changes

The auditors noted that the Commission recognizes a need to review instructor credentials. During an interview with the Commission's Executive Director, the auditors were informed that the Commission plans to reduce its list of certified instructors to a number (estimated at 500 - 600) required to program instruction through recommended changes to the MPOET Law and Rules and Regulations. The Commission also plans on requiring that all applicants for instructor certification be affiliated with a certified training school. The Commission's December 1985 meeting minutes provide the following discussion by the Commission's designated representative of the educational community concerning this matter:

"At the present time, we certify instructors for life, and that could be both dangerous to the instructor, dangerous to the department, and you have a building block of danger going right on through to the Commission and the State itself...when the Rules and Regulations Committee meets shortly after the first of the year to do its review and whatever rewrite is necessary, it will try to build in some safeguards here to make sure that certifications of instructors are valid at all times... There are a number of different ways it can be done...what we will try to do is come up with a formula that assures what would be a reasonable life of a certification."

Finally, as part of a revision to the Commission's enabling legislation which was under consideration at the time of the audit, the Commission proposed the following language which would give the Commission greater authority over training program instructors:

"...to approve or revoke the approval of any instructor and to develop the requirements for continued certification."

F. INADEQUATE SYSTEM TO DETERMINE MUNICIPAL COMPLIANCE WITH LAW

FINDING: The Municipal Police Officers' Education and Training Law requires that all officers be trained and certified by the Commission within one year of employment with a municipal police force. Additionally, MPOETC regulations mandate that political subdivisions provide to the Commission a notice of police personnel changes. The Commission has taken steps to publicize compliance requirements through its newsletter. It appears, however, that the current procedures used by the MPOETC to determine municipal compliance with the law are not adequate. Commission documents report that of the approximate 23,000 police officers in Pennsylvania approximately 15,400 have been certified by the Commission since the creation of the training program in 1974.1/ The remaining approximately 7,600 officers, for which no record is available, represent, according to an MPOETC staff member, officers who fell under the MPOET Law "grandfather" clause and officers currently performing police functions who are not eligible for "grandfathering" and who also have not been certified.2/ Commission regulations require police departments to submit hiring information and personnel changes to the Commission on a prescribed form, "Change of Status Notices," within 30 days. Reportedly, such forms are sent to departments only upon request. The Commission receives "very few requests" for these forms and few responses in return. The auditors' telephone survey of a sample of 13 small police departments revealed that nine of the 13 department chiefs were unaware of the required reporting. The Commission initially (1974) determined the number of officers required to be trained by administering a survey questionnaire to each police department in the state on a one-time basis. Currently, the Commission collects no information on the number of officers employed by departments which would indicate the number of officers certified through waiver of training or the number of officers employed who were grandfathered. It is recommended that the MPOETC survey annually one-half of the municipal police departments in the Commonwealth to determine the certification status of each member of the department and the changes in personnel since the previous survey. Surveys should be required to be returned by a certain date and there should be a follow-up on those responses not returned by a designated date. Follow-up could be by letter, telephone and/or visit by a local State Police Troop representative. The information collected from these surveys should be entered into an EDP system and a program designed to provide appropriate information on possible certification violations.

1/This figure includes all officers certified through waiver of training as well as those required to participate in training for certification and were trained. This figure also includes approximately 6,000 Philadelphia police officers who were given "blanket certification" when they came under the Act 120 mandate in 1984 and who were previously trained by the Philadelphia Police Academy.

2/"Grandfathered" refers to police officers who were hired prior to the effective date of the Act (June 1974) and for whom certification is not required.

One of the criteria addressed in the sunset performance audit process is "whether the operation of the agency has been in the public interest." To address this criterion, the auditors reviewed the Commission's activities for assuring that all newly hired police officers are properly trained and certified as required by the MPOET Law (53 P.S. §740 et seq.).

Section 748 of the MPOET Law requires all officers to meet the training requirements of the Commission within one year of employment in order to receive salary or compensation for the performance of police officer duties.

Information provided to the auditors by the Commission staff indicates that of the approximate 23,000 police officers in Pennsylvania, 9,400 have been certified by the Commission since the implementation of the training program in the mid 1970s. These 9,400 include those officers who were reportedly certified through waiver of training as well as those required to participate in training for certification and were trained. The Commission staff also reported that in addition to the 9,400 certified officers, approximately 6,000 police officers from the Philadelphia Police Department were given "blanket certification" when they came under the MPOET Law mandate in 1984. The 6,000 officers had been previously trained by the Philadelphia Police Training Academy and were not given MPOETC certification numbers. Some of the remaining approximately 7,600 officers are officers who fell under the MPOET Law grandfather clause, but no definitive information is available.

The MPOETC regulations (37 PA Code Section 201.4) mandate that political subdivisions provide to the Commission a notice of hirings and police personnel changes. The pertinent section of the regulations specifies the following information to be submitted by political subdivisions:

(a) Within 30 days from the date this program is implemented, every political subdivision shall submit to the Commission a current list of all personnel who are subject to the provisions of the Act. This list shall contain the following information:

- (1) Name of political subdivision;
- (2) Name of police officer;
- (3) Home address of police officer;
- (4) Date of birth of police officer;
- (5) Date of employment of police officer;

(b) Whenever police officers are newly employed, discharged, or leave their employment for any other reason, the political subdivision, shall record such information on Form SP 8-303 supplied by the Commission and forward such a form to the Commission within 30 days....

The Commission staff reported that the Commission sends police departments the required form SP 8-303 titled "Change of Status Notices" only upon request. The staff further reported that the Commission receives "very few requests" for these forms and very few responses in return. The auditors contacted a sampling of 13 municipal police department chiefs of small

departments and found that nine were not aware that they were required to report personnel changes to the Commission. The average staff size of the 13 departments was 4.8 officers, the largest having 21 officers and the smallest having one full-time officer.

The Commission has taken steps to attempt to make police departments aware of the Commission's requirements through information provided in its quarterly newsletter which is disseminated to all police departments, certified training schools and other interested persons. For example, in the June 1983 issue, the Commission published the following notice: "A newly hired police officer is required to be trained and certified before the end of the first year of employment." The May 1981 issue published information which indicated: "If a police officer who is grandfathered from compliance with Act #120 becomes employed by another police department, he must be certified as a newly hired police officer, and cannot retain his 'Grandfather's Exemption' in his new employment."

In the August 1986 newsletter, the Commission published information about provisions to 42 Pa C.S.A. §8954 (Judiciary and Judicial Procedure) which requires police officers to be certified by the Commission in order to be granted authority to perform police duties. The newsletter indicated that the Commission believed that many officers were in noncompliance with Act 1974-120 and was "...currently writing to the District Attorneys of each county...and suggesting that [they] ascertain the status of each officer prior to accepting any criminal cases from that officer to ensure that the officer has power and authority to enforce the laws of this Commonwealth."

The auditors were informed that the State Police Comptroller's Office conducted compliance audits of all municipal police departments for the MPOETC training program prior to being merged into the Justice Comptroller's Office (1981) which was later merged into the Public Protection and Recreation Comptroller's Office in June 1983. Currently, the Commission collects no information on the number of officers employed by police departments which would indicate the number of officers certified through training or waiver of training and the number of officers employed who were "grandfathered."

According to the Commission's Executive Director, the Commission's primary source of information for determining the number of police officers hired in each municipality is the Uniform Crime Report (UCR) developed by the Pennsylvania State Police. Not all municipalities, however, contribute information about their hiring and force changes to those preparing the UCR. The Executive Director further reported that Pennsylvania State Police Troop Stations could have information on or knowledge of personnel changes in local police departments in their jurisdictions which may include those municipalities which do not contribute to the UCR. The auditors reviewed the 1985 UCR and found that the information collected is on the number of full-time and part-time police officers employed by each police department and is not in itself an accurate tool for determining if police officers have not been certified within one year from the date of hiring.

It was reported that during the first year of implementation of the Training Program, the Commission originally determined the number of officers required to be trained by administering a survey questionnaire to each police department in the state. The Commission achieved a 100% response rate by having Pennsylvania State Police field installation staff visit municipalities within their jurisdictions which did not respond to the questionnaire in order to gather the necessary data. This data included information on the number of part-time and full-time officers who would have been required to complete training.

It appears that proposed changes to the Commission's enabling legislation, if adopted, will add to the need to collect specific information about police officers employed by all police departments in order to retrieve data necessary to administer the training program. For example, the Commission is proposing that all officers be required to undergo necessary training and certification before being assigned criminal and/or traffic law enforcement duties or be authorized to carry firearms.

Additionally, proposed legislation would mandate that all officers periodically participate in in-service training programs. Such changes will reportedly require an automated "training record file" which could also be used to determine if police departments are complying with Commission requirements. (See Finding K for more information on the Commission staff electronic data processing activities.) A member of the Commission staff reported that, although no definitive plans have been made by the Commission, expanded information collected by the Pennsylvania State Police as published in the Uniform Crimes Report, could possibly play a role in helping the Commission in this task.

## G. NEED TO IMPROVE SCHOOL MONITORING PROCEDURES

FINDING: The MPOET Law indicates that the MPOETC is to visit and inspect approved schools at least once a year. In reviewing this activity, the auditors determined that there appear to be weaknesses in the school monitoring procedures, including annual inspections. There is a reference to the areas which the inspections are to include in the Commission's regulations, but there appear to be no other written guidelines or explanations of how these aspects of school performance are to be measured. The current annual inspection program was apparently not effective in identifying problems that existed over a period of approximately two years in two certified schools. These problems involved improper activity regarding solicitation and instructors. While the Commission became aware of these problems and subsequent corrective action was taken, this awareness occurred outside the annual inspection process, and, furthermore, the problems were ongoing during the schools' inspections. In their efforts to review other monitoring procedures within state government, the auditors identified the State Board of Academic Schools which has an annual license renewal process with inspections and self-evaluation. The auditors also reviewed the periodic monitoring process of the local service delivery agencies that the Department of Aging conducts and noted the use by Aging's evaluation team of a comprehensive set of guidelines and forms to assist in their on-site inspection activities. The auditors noted that the Commission recognizes a need to improve its school monitoring and inspection activities and is considering certain policies which would strengthen the school inspection process. It is recommended that the MPOET Law be amended to provide for biennial recertification and inspection of MPOETC certified schools; it is also recommended that the Commission's Rules and Regulations provide for an additional monitoring process based on biennial self-evaluation documents submitted in conjunction with a school's recertification application. It is also recommended that procedures relating to biennial inspections be upgraded, including detailed inspection guidelines and inspection follow-up procedures. Finally, it is recommended that fees be assessed which would cover MPOETC costs in administering its certification, recertification and other regulatory activities.

Two of the sunset criteria to be addressed during the sunset process is "whether there is a more economical way of accomplishing the objectives of the agency" and "whether the operation of the agency has been in the public interest." As one means of evaluating this criteria, the auditors reviewed the practices and procedures used by the Commission to monitor the activities of the 21 certified training schools.

Benjamin Shimberg in his book Occupational Licensing: A Public Perspective comments that "Concerns have given rise to demands that all licensees be required to undergo periodic reassessment to establish that they have kept up with their fields and are still capable of performing in a safe and effective manner."

## School Violations

The auditors found that in instances involving at least two of the 21 certified training schools, certain improper activities related to the administration of the Municipal Police Officers' Education and Training Program occurred which the Commission did not become aware of through its mandated annual inspection process. Rather, the Commission was made aware of these activities from information provided by persons not directly affiliated with the Commission. For example, during 1984, the Commission received an investigatory report from a municipal police officer alleging that a school's training program coordinator and one of its certified training instructors were acting as the school's agents by soliciting names of persons from local police departments interested in participating in the MPOETC program. The allegations indicated that the school's employees encouraged police departments to sponsor persons not employed as police officers to attend the training program. Reportedly, the police departments were informed that they could receive 50% reimbursement from the state for payment of wages to these individuals not on the force while attending training.<sup>1/</sup> The departments were informed that they were not obligated to hire these individuals who would be receiving tuition free training.

According to information provided by the Commission staff, this information prompted a Pennsylvania State Police Bureau of Training official to request the Public Protection and Recreation Comptroller's Office to conduct an audit of the named police departments to verify the accuracy of the allegations. Reportedly, the audit confirmed the accuracy of the allegations which further prompted the Pennsylvania State Police to request Pennsylvania State Police investigators specializing in white collar crimes to investigate further into the matter. Investigators also reportedly found that some of the instructors assigned to teach the training program at the school in question were not certified by the Commission and that the school's training coordinator was also involved in improperly manipulating test scores.

The second school was involved in similar improper activities which the Commission did not become aware of through its annual inspection process. The incident was similar to the incident mentioned above in that the school's training program coordinator (a municipal police chief) was involved in the sponsoring of a civilian who he had falsely represented as a hired police officer eligible for MPOETC training and reimbursement. According to the Commission staff, the Commission discovered the incident as a result of unrelated information provided by a local law enforcement official who alleged that there were full-time officers wrongfully attending a part-time MPOETC training course at the school. Although no criminal investigation was undertaken, Commission staff reported that a letter of censure was sent to the school and the police officer in question was denied reimbursement.

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<sup>1/</sup>Commission regulations provide for reimbursement to a political subdivision of 100% of the tuition, living and travel expenses, and 50% of the regular salaries of hired police officers while attending an MPOETC certified school. The regulations do not provide for reimbursement to civilians not officially employed as police officers.

The Commission's staff conducted a subsequent inspection of the school and found that certain instructors were not certified in areas assigned. The investigation, which consisted of a review of school files and interviews with school officials, instructors and students, also uncovered inconsistent information concerning questionable testing practices.

#### Annual Inspection Process

According to the Commission's regulations, inspections are to include, but are not to be limited to, the following areas:

- Course Outlines
- Class Schedules
- Lesson Objectives
- Maintenance of Records
- Rules and Regulations
- Firearms Facilities or Equipment
- Physical Facilities

The auditors in their review process determined that no other written guidelines or explanations of how these aspects of school performance are to be measured were used in the inspection process. No fees are assessed by the Commission for the certified school monitoring activities performed by the Commission.

The auditors found from observing an MPOETC inspection of a certified school that this particular inspection was generally limited to the following areas: (1) a review of school files to verify that actual hours instructed in the training program complied with the hours required to be instructed by the Commission's regulations; (2) a review of school files to ensure that instructors teaching specified courses are certified to teach the courses assigned; (3) a review of student critiques of the training program; and (4) a review of the student roster to determine the names of police departments sponsoring recruits and the number of students who are pre-service.<sup>2/</sup> The school being inspected was not conducting a class during the Commission's inspection team visit. The auditors also found from directors of two of the 11 certified training schools responding to an LB&FC sunset audit questionnaire survey that inspections are not always conducted while classes are in session which would allow the inspection team to interview instructors and students as a means to assess the quality of the training program.

A review of Commission files indicates that inspection follow-up procedures sometimes include a letter to the school stating certain aspects of the inspection results, but there appears to be no formalized reporting, response, of follow-up procedure.

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<sup>2/</sup>A pre-service student is one who is not employed as a police officer who attends the Municipal Police Officers' Education and Training Program and pays for his own tuition and other expenses.

### Commission Recognizes Need for Improvement

The auditors noted that the Commission recognizes a need to improve its school monitoring and inspection activities. During an interview with the Chairperson of the Instructor Standards Committee, who also serves as the Commission's designated representative of the educational community, the Chairperson indicated that he has served as a member of the Commission's school inspection team and characterized the inspections as superficial in terms of determining the schools' compliance with the MPOET Law and rules and regulations.

During an interview with the Commission's Executive Director, the auditors were informed that the Commission is considering the following policies which would strengthen the school monitoring process:

- (a) Requiring that all classes be approved by the Commission before a class is conducted. This would provide an additional compliance check on all persons upon entering the program, i.e., date of hire and hourly salary.
- (b) Having a member of the Commission's staff give a presentation to trainees at the beginning of the class concerning the Commission's requirements for certification. Currently, not even the schools are required by the Commission to do this.
- (c) Requiring that additional Commission staff assigned to school inspection duties be certified instructors so that the quality of courses and lesson objectives are assessed by someone trained in the subject matter being evaluated.
- (d) Mandating that a standardized test be taken by all persons completing the training program to use as a form of feedback to ensure that instructors are effectively teaching and students are understanding course lesson objectives.

### Other Agency Monitoring Procedures

In surveying school monitoring processes by other state agencies, the auditors noted the license renewal system of the State Board of Private Academic Schools. The renewal of private academic school licenses is conducted on an annual basis. Forms are provided by the Board to the school to be completed and submitted for review prior to license renewal.

When the renewal form is received, staff of the Pennsylvania Department of Education review the information for discrepancies. For example, they insure that the school's name and descriptive information is the same as that contained in the school directory, the 180 school day requirement is reportedly being met, the enrollment is appropriate for the given class of the school, and the teaching certificates are valid.

If all of the information is accurate, it is placed into the computer. If problems are discovered, the school is contacted by telephone or in writing.

The information received from the school is then documented for later verification. If a problem was cited during the previous year and no action was taken, the customary practice is to hold the license until the problem is reported by the licensee as corrected.

According to Board representatives, the annual license renewal process and the self-evaluation documents have been implemented in an effort to monitor the compliance of private academic schools with Board rules and regulations.

The auditors also reviewed a monitoring process conducted by the Department of Aging. Every four years the Department conducts in-depth performance evaluations of Area Agencies on Aging (AAA). The Department evaluators conduct their reviews by meeting with AAA staff who are responsible for the various aging programs. Additionally, the Department evaluators review samples of AAA files, make field visits to service providers, perform a limited fiscal audit, review contracts, etc. During the interviews and review of files, the evaluators utilize a checklist with guidelines for analyzing each program area. Some checklists are used to check for compliance with Aging Program Directives. Others are used to analyze operations to form bases for recommendations for improvement. Based on the evaluator's visit, a comprehensive report on the AAA is compiled. The report includes corrective actions which must be taken by the AAA in regards to compliance problems with APDs and recommendations for areas not covered by Aging Program Directives. The AAA is required to submit a plan to the Department as to how the agency is going to address each corrective action or recommendation for each program area.

## 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),

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."

## I. NO SCHOOL REPRESENTATIVE ON COMMISSION

FINDING: While the Commission's membership composition consists of members representing a variety of interests, there are no statutory provisions mandating that a member of the Commission specifically represent the 21 certified police training schools. The certified schools, which provide the training for the MPOETC Program, are required to ensure that their training programs conform to Commission requirements. The pertinent section of the Commission's rules and regulations provide that: "The basic police officers' education and training course of every approved school shall meet the minimum standards established by the Commission." Section 743 of the Municipal Police Officers' Education and Training Commission Law specifies the 19-member Commission shall include, for example, four local elected officials (of a borough, first class township, second class township and city); four incumbent chiefs of police from various political subdivisions; one Federal Bureau of Investigation special agent-in-charge; one educator qualified in the law enforcement field; and two noncommissioned police officers. During the audit, the auditors found that the directors of the 21 certified training schools had formed an association (the Municipal Police Certified School Directors' Association -- MPCSDA) in December 1986 and that the Commission was planning to conduct a meeting in late January 1987 with the association in an effort to improve communication between the certified schools and the Commission regarding the administration of the MPOETC program. One of the 21 school directors, the newly elected chairman of the MPCSDA, reported that having a member of the Commission to represent the certified training schools would improve communication between the certified schools and the Commission and therefore would assist the Commission in making decisions concerning the delivery of the training program by the certified schools. The auditors found that other state agencies responsible for regulating certain educational institutions have official representation from those they are charged to regulate. For example, the State Board of Private Licensed Schools' enabling legislation (Act 1986-174) mandates that membership of the Board is to include nine persons who represent schools licensed by the Board in addition to five "public" members. It is recommended that the General Assembly, if the MPOETC is reestablished, include a mandate in the legislation which will provide that an additional Commission member position be created and that this member be designated to represent the MPOETC certified training schools.

## J. PROBLEMS CONCERNING RULES AND REGULATIONS

FINDING: The Municipal Police Officers' Education and Training Commission (MPOETC) appears to be operating with outdated rules and regulations and with regulatory policies which have not been officially promulgated through the regulatory review process. The Commission has developed documents titled, "Unwritten Policy for Act 120" and "In-Service Training" which lists 35 procedures, some of which appear to be similar to its officially promulgated rules and regulations but which have never been amended into the Commission's rules and regulations (37 Pa. Code §201 et seq.). In some instances, these appear to conflict with the Commission's existing regulations. For example, there appears to be a conflict in requirements for in-service training instructors with regulations specifying that instructors be certified and the "Unwritten Policy" requiring them to be only "qualified" without the certification requirement. Reportedly, the Commission's Rules and Regulations Committee and Commission staff have been periodically meeting since early 1986 to update and rewrite Commission regulations and to provide proposed revisions related to its proposed revisions to the MPOET Law. The auditors noted that the Commission has, in certain instances, solicited input concerning some of its policy changes from police departments, certified schools and other interested parties receiving the Commission's quarterly newsletter. The current situation, however, appears to promote some confusion on the part of those administering the program and those being regulated because of the different regulatory information contained in the different documents and may be problematic with respect to the Commonwealth Documents Law and Regulatory Review Act. Both laws provide a mechanism for public input into agency rule-making as well as legislative oversight of regulations which are reviewed by the Independent Regulatory Review Commission and designated standing committees of the House and Senate. It is recommended that the Commission adopt and submit updated rules and regulations into the regulatory review process as soon as possible and continue with the additional work of revising its rules and regulations based on the proposed changes to the MPOETC Law.

One of the evaluation criterion to be used in the Pennsylvania sunset audit process is "whether the operation of the agency has been in the public interest." The auditors used this criterion during a review of the Commission's rules and regulations and certain policies adopted by the Commission to carry out the Municipal Police Officers' Education and Training Program.

The auditors reviewed documents provided by the Commission's staff, titled "Unwritten Policy for Act 120" and "In-Service Training" and found that some of the policies contained in these documents appear to be similar to rules and regulations and have never been inserted into the Commission's

official Rules and Regulations. Additionally, some of these appear to conflict with the Commission's existing regulations. The documents list 35 such policies. For example, section 201.29 (a)(1) of the Commission's regulations concerning the Commission's approval of applications for in-service training grants requires that "the instructors are Commission certified...." However, the Commission's "Unwritten Policy" in regard to this requirement is as follows: "Grants are accepted without certified instructors, they only require the instructors be qualified." In another example, the Commission's "Unwritten Policies" state that "The criteria for the certification of instructors in the basic course has been tightened by the Commission beyond the scope of the regulations." Another "Unwritten Policy" reads: "If the question relating to criminal offenses on a waiver, or basic training application is not answered truthfully a corrected application can be submitted."

Section 745(9) of the Commission's enabling legislation requires the Commissioner of the Pennsylvania State Police "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." The auditors were informed by the Commission staff that major changes to the Commission's enabling legislation were being proposed at the time of the audit.<sup>1/</sup> To accompany these revisions the Commission's Rules and Regulations Committee and the Commission staff have been meeting periodically since early 1986 to update and rewrite the official regulations. The Commission's December 1985 meeting minutes provide the following discussion by the Commission's Rules and Regulations Committee Chairperson:

"...the Rules and Regulations Committee met prior to the Commission meeting to look at the number of policy changes that had been made in the past and in the recent past and which have piled up over a number of years primarily, I think, because of the new curriculum impact on the rules and regs and the fact that nobody wanted to get down to the rewrite of the entire rules and regulations until the new syllabus was in concrete, because it would still require another rewrite.... We're operating right now with so many new and revised policies in so many areas that we have decided to recommend to the commission that we incorporate these into a major revision of the rules and regs,..."

The auditors noted that the Commission has provided for some input concerning certain of the above mentioned "Unwritten Policy" changes from police departments, certified schools and other interested parties who may receive the Commission's quarterly newsletter. For example, in response to the Commission's decision to make instructor certification standards more stringent, the Commission's Instructor Standards and Approval Committee solicited input in the April 1986 newsletter prior to final adoption of the minimum standards.

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<sup>1/</sup>See Finding N for additional information pertaining to the proposed changes to the MPOET Law.

Pennsylvania's regulatory review process, however, provides for public comment and input in a variety of ways. The Regulatory Review Act was passed by the Pennsylvania General Assembly in 1982, and reenacted in 1986, in order to provide for continuing and effective review, accountability and oversight of regulations issued by executive agencies to ensure that the proposed regulations are not contrary to the public interest. In conjunction with this Act, the "Commonwealth Documents Law" requires government agencies to publish proposed regulations in the Pennsylvania Bulletin for a 30-day public comment period prior to final adoption.

The Commission's current situation of operating with outdated rules and regulations and policies which are not officially promulgated through the regulatory review process may possibly result in inadequate input from all interested parties, inadequate legislative oversight provided for by the Regulatory Review Act of 1982 as amended and reenacted, and confusion in administering the training program because of the different criteria contained in the different documents.

## K. EDP EXPANSION

FINDING: Currently, the Municipal Police Officers' Education and Training Commission maintains the majority of its records manually. As of December 31, 1986, manual files were maintained for in-service grants and basic training reimbursements for over 1,300 political subdivisions, annual inspection records for 21 certified schools, budgetary records for the Commission, and files on over 9,400 certified police officers. According to Act 1974-120, "[a]ll political subdivisions of the Commonwealth...shall be required to train all members of their police departments...." There are also approximately 23,000 police officers in Pennsylvania in over 1,300 municipal police forces. A Price Waterhouse manual entitled "Enhancing Governmental Accountability" indicates that "...EDP systems can provide greater reliability than manual systems because EDP systems subject all data to the same procedures and controls. Manual systems may be subject to human error on a random basis." According to Management Directive 235.4 of the Office of Administration, each agency is to ascertain which informational needs require EDP support; the Directive suggests that among the areas of informational needs that are likely to require EDP support are high volume activities involving among other things the storage of data compactly and the manipulation of data to create new information. According to the Monograph produced by the National Association of State Directors of Law Enforcement Training, 35 other state law enforcement training agencies have automated or computerized some portion of their record keeping systems. Also, of the states with the four largest number of municipal police officers, only Pennsylvania does not have officers' records and certified courses on an automated system. In June 1986, the MPOETC acquired a personal computer but, according to a staff member, the Commission staff has no one trained to make full use of the computer. Currently, this computer contains files on payments to political subdivisions, in-service training information dating back to July 1, 1986, a training calendar, a mailing list, approvals to attend basic training, and requests for reimbursement and tuition. In its 1987-88 Budget Proposal, the State Police has included a position request for a Computer Systems Analyst III for the MPOETC program. The request cites as the reason for this position request the need to design, institute and maintain statewide records which will enable maximum system usage with minimal personnel. It is recommended that the Commission and its staff continue to take steps to expand its use of EDP in the maintenance of files and in the production of management reports based on data from these files for management purposes including control, administrative efficiency, and compliance with Act 1974-120.1/

1/Please also see Finding F for a discussion of the need for a reporting system to determine municipal compliance to the MPOET Act.

L. STATUTORY WEAKNESSES CONCERNING THE SCREENING OF TRAINEES

FINDING: There appears to be inadequate legislative provision pertaining to selection standards for screening MPOETC police officer certification candidates. Municipal police officers may be certified and employed in Pennsylvania who have been convicted of certain crimes or who may be physically and psychologically unfit to perform the duties of a police officer. Selection standards for certification and training are set forth in Section 201.21 of the Commission's regulations which provides that an applicant "shall be 18 years of age or older, be employed as a police officer" and "be physically fit to undertake the prescribed physical training." According to the Commission's legal counsel, only those officers who have been convicted of a crime of violence as defined by the Pennsylvania Uniform Firearms Act may be otherwise disqualified for certification. This Act states that "No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm or have one in his possession or under his control." A Department of Community Affairs police consultant reported that, although most police departments are required to hire recruits according to local civil service standards (which may include some physical standards, for example), departments having fewer than three persons are exempt from civil service hiring practices. A Commission document indicates that fewer than 60 of the 1,373 police departments in Pennsylvania have adequate selection standards which would include psychological and physical standards needed for rigorous and demanding police work. The National Advisory Commission on Criminal Justice Standards and Goals has recommended state mandated minimum physical, character and psychological standards for the selection of police officers. The Lethal Weapons Training Act (22 P.S. §41 et seq.) provides for physical and psychological screening of persons who carry lethal weapons, such as security guards, prior to training and certification by the Commissioner of the Pennsylvania State Police. As part of proposed revisions to the Municipal Police Officers' Education and Training Act, the Commission has proposed statutory provisions empowering the Commission to establish minimum psychological and physical standards as well as criminal history qualification standards.<sup>1/</sup> It is recommended that the General Assembly include provisions in the legislation reestablishing the MPOETC which would mandate statewide selection standards for screening of police recruits for psychological and physical ability to perform the duties of a police officer as well as establish a criminal history qualification standard.

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<sup>1/</sup>For additional information concerning the proposed amendments to the MPOET law, please see Finding N.

One of the criteria used in the sunset performance audit process is "whether the operation of the agency has been in the public interest." The auditors used this criterion during an assessment of the Commission's statutory and regulatory authority for imposing minimum competency standards which police officers must meet prior to becoming certified.

Standards for certification and training under the MPOET Law are set forth in the Commission's regulations (37 Pa. Code 201 et seq.). Section 201.12 of the regulations provides that an applicant shall "be 18 years of age or older, be employed as a police officer" and "be physically fit to undertake the prescribed physical training."

These minimum standards may result in police officers being certified who have been convicted of certain crimes. According to the Commission's legal counsel, those officers who have been convicted of a crime of violence as defined by the Pennsylvania Uniform Firearms Act may be disqualified for certification. This Act defines a crime of violence to be: "Any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, aggravated assault, robbery, burglary, entering a building with intent to commit a crime therein, and kidnapping." Section 6105 of the Act states that "No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control." According to the Commission staff, applicants for police officer certification who indicate on applications that they have been convicted of crimes, other than crimes of violence as defined by the Pennsylvania Uniform Firearms Act, may be certified.

Another possible weakness in the Commission's qualification standards could result in the Commission certifying police officers who are not psychologically or physically fit to perform the duties of a police officer. Neither the Commission's enabling legislation nor rules and regulations require screening of an applicant's psychological well-being and its relation to his competency to perform the duties of a police officer. Moreover, although the Commission requires each applicant to undergo a routine physical for training purposes, no statutory or regulatory provisions exist which would provide a measurement of the applicant's physical abilities to perform the duties of a police officer.

A Department of Community Affairs (DCA) official responsible for providing consultation services to local government officials concerning law enforcement management indicated that statewide standards are needed to require police departments to impose uniform selection requirements which would ensure that all newly hired police officers are physically and psychologically fit to perform police duties. The official further indicated that a statewide standard is also needed to insure that all recruits are screened for criminal history. Such a standard should include provisions which would disqualify applicants convicted of crimes. According to the DCA official, most police departments are required to hire recruits according to local civil service standards which may have some standards, especially physical, but that departments having fewer than three persons are exempt from civil service hiring practices. The DCA official concludes that many small police departments do not have any minimum selection requirements for hiring police officers.

In a Program Revision Request submitted by the MPOETC in 1985, the need for physical, psychological and criminal history standards was discussed as follows:

There are approximately 1,373 police departments in Pennsylvania ranging in size from Philadelphia's 6,000 members to rural departments of one person. The large professional police departments in the cities and many mid-size departments under professional leadership and with progressive municipal government have instituted these standards. However, less than 60 Pennsylvania municipal police departments have adequate selection and training standards and there is a need for statewide standards to be established.

The Lethal Weapons Training Act (22 P.S. § 41 et seq.), provides for mandated education, training and certification of persons who carry lethal weapons such as security guards. The Act also authorizes the Commissioner of the PSP "To implement and administer or approve physical and psychological testing and screening of the candidate for the purpose of barring from the program those not physically or mentally fit to handle lethal weapons." The regulations for the Lethal Weapons Training Program (37 Pa Code § 21 et seq.) provide specific physical and psychological testing areas. For example, applicants must be "...free from the addictive or excessive use of either alcohol or drugs." Applicants for Lethal Weapons Training certification must also be examined by a psychologist licensed by the Pa Board of Psychologist Examiners for "...personal, educational, employment and criminal history." Other psychological testing such as the Minnesota Multiphasic Personality Inventory (MMPI) are required to be administered as part of certification requirements.

A document published by the National Advisory Commission on Criminal Justice Standards and Goals (NACCJSG) in 1973 discusses state mandated minimum standards for the selection of police officers and the NACCJSG advocates that state commissions be empowered to enforce these standards. Some of the standards recommended by the Commission are:

- a. Physical health, strength, stature, and ability, with consideration given to the physical demands of police work;
- b. Character, with consideration given to the responsibilities of police officers and the need for the public trust and confidence in police personnel;
- c. Personality profile, with consideration given to the need for personnel who are psychologically healthy and capable of enduring emotional stress;

The auditors noted the Commission's recognition of the weaknesses in its statutory authority for imposing minimum competency standards. As part of proposed revisions to the Municipal Police Officers' Education and Training Act, the Commission has proposed the following statutory provisions:

- To establish minimum psychological and physical standards for newly employed police officers.
- To obtain the fingerprints of all newly hired police officers for examination by the Pennsylvania State Police and Federal Bu-

reau of Investigation for the purpose of criminal history qualification.

- Establish a criminal history qualification standard for police officers.

Finally, as part of the Commission's 1985-86 Annual Report, the Commission reported its views concerning the proposed amendments as follows:

The Commission realized that to truly professionalize law enforcement training alone was not enough. First and foremost, the candidate to become a police officer must be physically and mentally fit to obtain a position which requires significant physical ability and is one of the most stressful careers which can be chosen. Second, disqualification for criminal convictions must be instituted to ensure that the protectors of society are not in fact former criminals.

M. NEED FOR PRE-DUTY TRAINING

FINDING: The Municipal Police Officers' Education and Training Act specifies that "Any person hired as a municipal police officer by any political subdivision...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...." Although some municipalities require certification prior to the performance of police duties by a newly hired officer, others do not. The one-year grace period allowed for training and certification represents a potential for significant harm to the public safety and welfare. As discussed in Finding A of this report, police officers regularly face decisions which impact on citizens' lives, reputations and well being. Additionally, police are assigned responsibility for possession and possible use of a lethal weapon, the misuse of which could cause harm to themselves as well as others. The MPOETC has recognized this problem in the MPOET Law and has proposed amendments (see Finding N of this report) which would require all municipal police officers to complete the mandatory basic training courses established by the Commission BEFORE (emphasis added) being assigned to criminal and/or traffic law enforcement duties or being authorized to carry a firearm. It is recommended that the General Assembly consider amending the MPOET Law to provide for mandatory training and certification before a municipal police officer is assigned criminal and/or traffic law enforcement duties or is authorized to carry a firearm.

N. PROPOSED AMENDMENTS TO THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING ACT

FINDING: In the opinion of the Municipal Police Officers' Education and Training Commission, (MPOETC), there are a number of changes that are required in the MPOET Law. Some of these proposed changes pertain to other finding areas addressed in this report (e.g., continued certification of instructors, establishment of minimum screening standards for newly employed police officers and provision for basic training prior to officers being assigned to criminal and/or traffic law enforcement duties or being authorized to carry firearms) whereas other changes would substantially affect the basic role of the MPOETC which is to provide police training to municipal police officers (e.g., provide certification to those "grandfathered" in the MPOET Law and provide for mandatory in-service training).<sup>1/</sup> The MPOETC has prepared amendments to the MPOET Law to accomplish these changes. According to the Commission's Executive Director, the general intent of these proposed amendments is to make the MPOET Law "more responsive to the police training needs in today's society." The MPOETC has approved the proposed amendments. Also, former State Police Commissioner Cochran (under the Thornburgh Administration) participated in the development of these amendments and supported them. Appendix A of this report contains the text of the proposed legislative changes and contains a position paper prepared by the Commission relating to some of these changes. Exhibit A on the next page summarizes certain of the changes in the proposed legislation. The auditors recommend that the standing committee assigned responsibility for sunset review of the MPOETC give careful consideration to these proposed amendments to the MPOET Law. The auditors further recommend that the MPOETC provide written justification to the standing committee concerning the need for these amendments and additionally be prepared to answer questions regarding the amendments when the MPOETC appears before the standing committee at the sunset review public hearing.

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<sup>1/</sup>The MPOET Law specifies that the police training and certification requirements of the Law shall apply only to policemen hired after the effective date of the Law.

## EXHIBIT A

### Summary of Major Proposed Amendments to Act 1974-120<sup>1/</sup> as Developed by The Municipal Police Officers' Education and Training Commission

Presented in this Exhibit is a summary of the major changes which would result from the proposed amendments to Act 1974-120 which have been developed by the Municipal Police Officers' Education and Training Commission.

Section 741 - Would add the word "certification" to the list of definitions to mean "the assignment of a certification number of a police officer after successful completion of mandatory basic training course and/or successful completion of mandatory in-service training. Certification is for a period of five years," and would define "certified police officer" to include police officers employed before June 1974.

Section 744 - Would do the following: (a) Allow the Commission to establish mandatory in-service training for all municipal police officers; (b) permit the Commission to revoke the approval of any instructor and to develop standards for recertification; and (c) direct the Commission to establish criminal history qualification standards, minimum psychological and physical standards for newly employed police officers and authorize the taking of fingerprints for newly hired police officers.

Section 748 - Would require all municipal police officers except those employed before June 1974 to complete the mandatory basic training courses established by the Commission and be certified before being assigned to criminal and/or traffic law enforcement duties, or be authorized to carry a firearm. In addition, any person employed as a municipal police officer must successfully complete mandatory in-service training courses in order to maintain continued certification. If a political subdivision violates the provision of the Act, they shall be deemed ineligible for any funding or revenue sharing from the Commonwealth.

Section 749 - Would require the Commission to reimburse political subdivisions 100% rather than 50% of the regular salaries of police officers while attending approved schools.

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1/53 P.S. §740-749.

Source: Developed by LB&FC staff from proposed amendments as shown in Appendix A.

### III. BACKGROUND DESCRIPTIVE INFORMATION ABOUT THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION (MPOETC)

#### A. Legal Background

The Municipal Police Officers' Education and Training Commission was statutorily created by Act 1974-120 (53 P.S. §740-749) and charged to establish the Municipal Police Officers' Education and Training Program. The responsibility for administration of the program was given to the Commissioner of the Pennsylvania State Police. Act 1974-120, as amended, identifies the following powers and duties of the Commission:

- (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.

In addition to Commission responsibilities, the Act specifies powers and duties of the Commissioner of the Pennsylvania State Police. These powers and duties are 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.

#### B. Commission Composition

The Commission is comprised of 19 members, some of whom are appointed by the Governor to represent a variety of interests. The legally designated term of office of Commission members is three years. Members of the Commission serve without compensation, but are reimbursed expenses incurred while attending Commission meetings and in the performance of their duties. The Commission is required to meet at least four times a year and may hold special meetings called by the Chairman of the Commission or upon request of five members. Ten of the 19 Commission members are required to be present at Commission meetings to establish a quorum. The Commission has created the following committees which usually meet prior to each regular Commission meeting: the Instructor Certification Committee, the Instructor Standards Committee, the Rules and Regulations Committee, the School Inspection and Certification Committee, the Syllabus Committee, and the Waiver Committee. An In-service Training Committee meets monthly to process grant applications. Other committees created by the Commission which meet on an as needed basis are: the Regionalization Committee, the Reimbursement Committee, the Executive Committee, the Curriculum Committee, the In-service Training Committee, and the Task Force on Reimbursement Committee. All committees are comprised of various Commission members. The Municipal Police Officers' Education and Training law specifies the Commission's composition as:

(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) Four elected officials of the various political subdivisions of the Commonwealth, to be appointed by the Governor; one to be a borough official, one a second class township official, one a first class 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.

(12) The police commissioner of a city of the first class or his designee.

Five individuals have been designated by the Commission to serve as advisors. Some of these individuals have once served the Commission in an official capacity, for example, either as a past Commission member or as a retired staff member of the PA State Police (PSP) responsible for police training or other Commission activities. Advisors do not have any legal status or authority designated by the Act and may not officially vote on Commission matters. Advisors are, however, reimbursed for expenses they incur while attending Commission meetings or when performing other tasks assigned by the Commission. According to the Commission's staff, these individuals are designated to serve as advisors to the Commission because their educational or work background in law enforcement training provides valuable insight into Commission discussions.

#### C. Commission Staff

Prior to the 1985 reorganization of the Pennsylvania 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 PA State Police Chief of Staff. Since 1985, the staff is no longer organized within any PSP bureau but is a separate operation under the supervision of the Commissioner of the State Police.

Located at the State Police Training Academy in Hershey, Pennsylvania, eight staff members of the Pennsylvania State Police expend a percentage of their time to duties of the Municipal Police Officers' Education and Training Commission. These positions and the percentage of time spent on the MPOETC, as reported by the staff is as follows:

- One Executive Director (enlisted officer) (75%)
- One Administrative Officer II (50%)
- One Personnel Analyst II (60%)
- One Budget Analyst II (95%)
- Two Clerical Typist IIs (100%)
- Two Clerical Typist IIs (50%)

The remainder of the staff's time is spent on administering the PSP Lethal Weapons Training Program. The Lethal Weapons Training Act (22 P.S. §41-50) charges the PA State Police Commissioner to administer the program to train and certify individuals required to carry lethal weapons as part of their employment such as persons employed as security guards.

The Commission receives legal services from an assistant counsel assigned to the Pennsylvania State Police. Organization charts of the Commission's staff and the Commission's location within the Pennsylvania State Police are shown on the following pages.

#### D. Municipal Police Officers' Certification

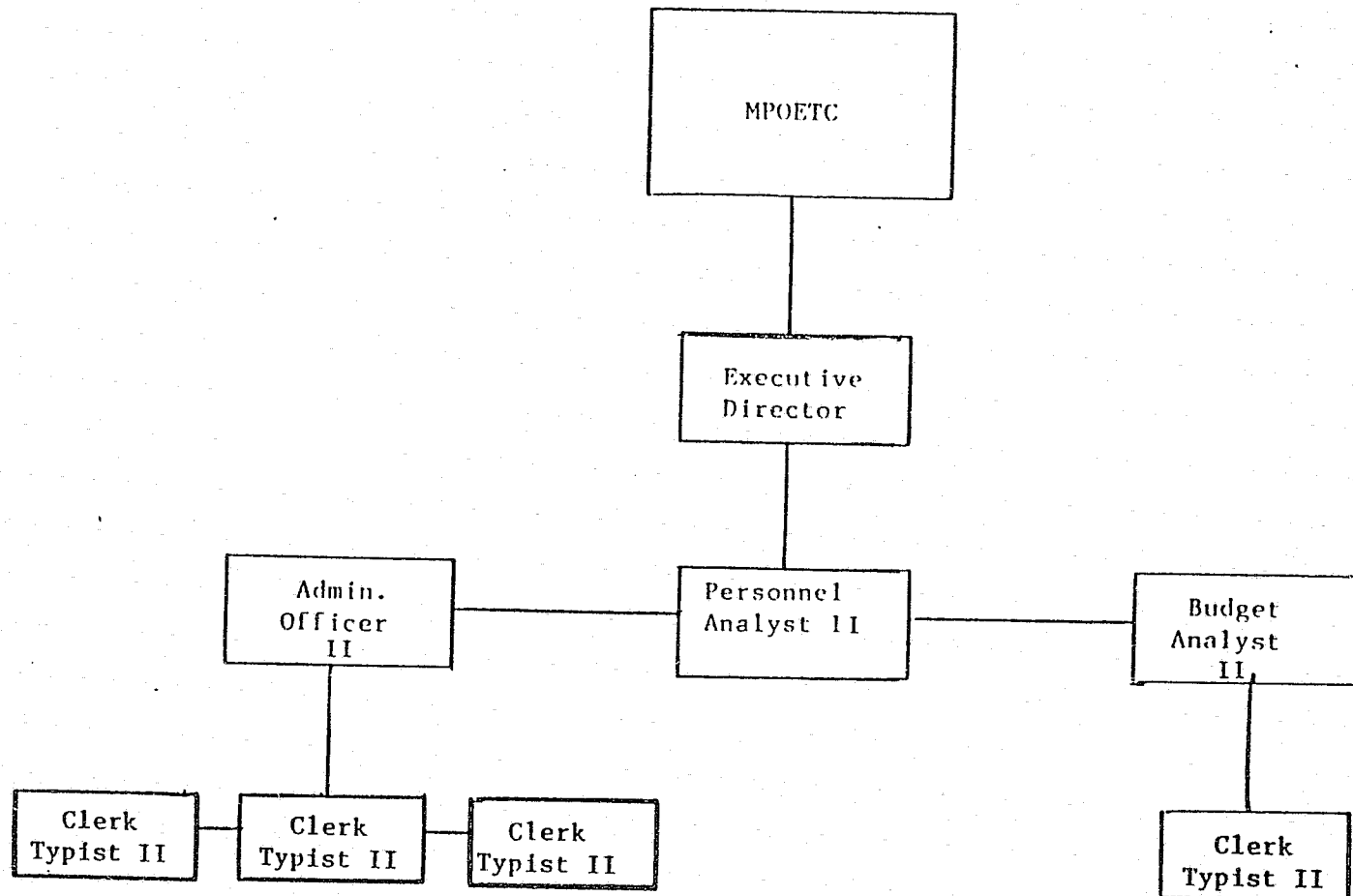
Section 741(3) of the Commission's enabling legislation defines a police officer as "...any full-time or part-time employee of a city, borough, town, township or county police department assigned to criminal and/or traffic law enforcement duties, and for the purpose of training only, security officers of first class city housing authority, but shall exclude persons employed to check parking meters and/or to perform only administrative duties, auxiliary and fire police."

The Commission's regulations require all applicants for enrollment in the basic Municipal Police Officers' Education and Training Program to be 18 years of age or older, be employed as a police officer as defined in Section 741 (3) after the effective date of the act or June 1974, be physically fit to undertake the prescribed physical training, and be recommended for training by his Chief of Police and the chief executive officer of the political subdivision by which he is employed.

To be granted certification by the Commissioner, candidates must complete the Commission's basic training course with a minimum grade of 75% in each module of the modular or in each category of the 12-week course. (See Appendices C and D for the 12-week course outline and the modular course outline. Appendix E of this report shows a pilot course outline which was being instituted at six of the 21 MPOETC certified training schools during this audit.) Waivers of training, partial or complete, are granted by the Commission on the basis of equivalent training that the applicant has successfully completed. Other requirements for waiver of training are specified in 37 Pa. Code §201.16(d) of the rules and regulations as follows:

EXHIBIT B

Organizational Chart of the MPOETC Staff

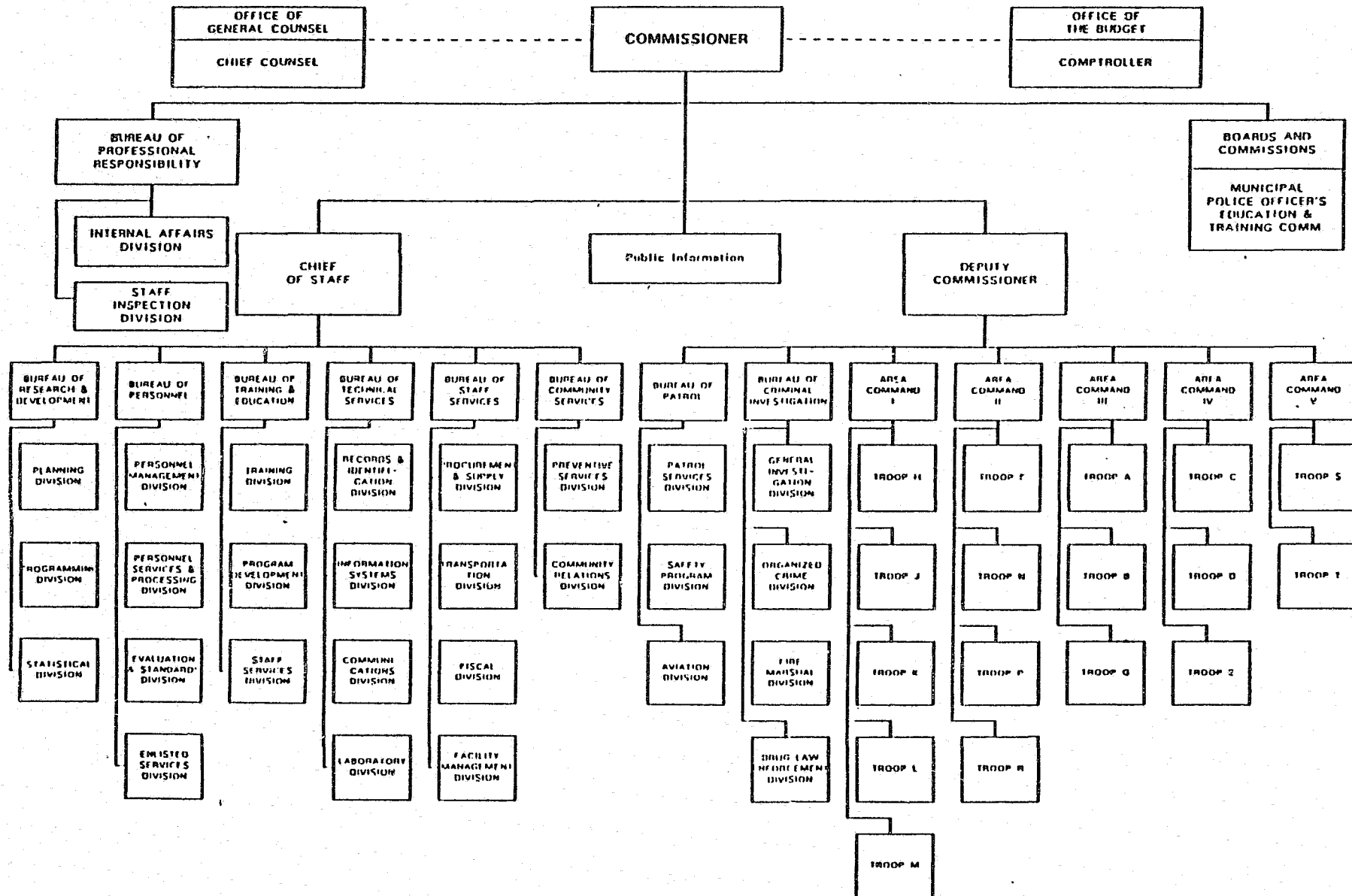


Source: September 12, 1985 Municipal Police Officers' Education and Training Commission official meeting minutes.

# EXHIBIT C

## Organizational Chart of the Pennsylvania State Police

### PENNSYLVANIA STATE POLICE



Source: Pennsylvania Bulletin, Vol. 16, No. 34, Saturday, August 23, 1986.

(d) Every applicant for the waiver of minimum training shall also demonstrate that he is competent in or has successfully completed courses in:

- (1) The Vehicle Code, (75 P.S. §§ 101-1503);
- (2) the Crimes Code, (18 P.A.C.S. §§ 101-7505);
- (3) the Rules of Criminal Procedure (Title 234 of the Pa. Code);
- (4) evidence or documentation, to the satisfaction of the Commission, that the applicant is proficient in use of firearms; and
- (5) any other subjects that the Commission deems necessary

As of September 1986, the Commission's staff reported 9563 certified police officers. The Commission granted 634 certificates in 1983, 604 in 1984 and 843 in 1985. 196 full and 33 partial waivers of training were granted by the Commission in FY 1984-85. Periodic review of police officer competency and/or certification renewal is not a requirement of the Commission.

#### E. Certification and Inspection of Schools

Section 741(2) of the Commission's enabling statute (53 P.S. §740 et seq.) defines a school as "...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." As of December 1986, 21 schools were certified by the Commission to provide the Municipal Police Officers' Education and Training Program basic 480-hour course. According to information provided by the staff, no new applications from schools have been accepted because the Commission has determined that the current number of certified schools is adequate.

Annual inspections of certified schools are conducted by members of the School Inspection and Certification Committee and a member of the Commission's staff in an effort to assure continued compliance with Commission requirements. Section 201.41(b) of the Commission's rules and regulations (37 Pa. Code 201 et seq.) indicates that inspections include, but are not limited to, the following areas:

- (1) Course outlines.
- (2) Class schedules.
- (3) Lesson objectives.
- (4) Maintenance of records.
- (5) Rules and regulations.
- (6) Firearms and facilities and equipment.
- (7) Physical facilities.

Certificates issued to schools are valid until revoked by the Commission for cause. The Commission may issue letters of reprimand, order suspension or revocation of certificates, require repayment of wrongfully received

funds, and/or initiate criminal prosecution. The staff reported that since the creation of the Commission, one school's certificate has been revoked. (See Finding G of this report for more information on the Commission's inspection and monitoring activities of certified schools.)

#### F. Certification of Training Program Instructors

As of September 1986, 3347 instructors had been certified by the Commission to teach all or part of the basic training course. There are three areas that instructors can be certified by the Commission to instruct: Instructor of Professional Law Enforcement Skills, Instructor of General Subjects, and Firearms Instructor. Additionally, the Commission amends instructor certificates when it grants approval to teach specific courses designated in the Training Program for which original certification does not apply. There are 31 such course areas within the five main topic areas of the 480 hour Training Program for which certificates can be amended for those instructors who have adequate credentials and expertise. The five main topic areas of the 480-hour Training Program are Introduction to the Criminal Justice System, Law, Human Values and Problems, Patrol and Investigation Procedures, and Police Proficiency. Certification is issued to individuals meeting minimum requirements set by the Commission subject to the submission of documentation to the Commission's Instructor Certification Committee. Once certified, instructors have the authority to teach in a school approved by the Commission. Periodic review of instructors' qualifications or certification renewal is not a requirement of the Commission. Commission records show that 125 new instructor certificates were issued in 1983, 188 in 1984, and 154 in 1985. Thirty-two amended certificates were issued in 1983, 50 in 1984 and 49 in 1985. (See Finding E of this report for more information on the Commission's activities for certifying instructors.)

#### G. Reimbursements and Grants for Training Programs

While attending the Municipal Police Officers' Education and Training Program, 50% of the regular salaries of police officers are reimbursed by the Commission to the employing political subdivision. The Commission also reimburses each employing subdivision 100% of the allowable tuition and ordinary and necessary living and travel expenses incurred by their police officers while in training. Section 201.42 of the Commission's regulations (37 Pa. Code 201 et seq.) provides specific guidelines for reimbursement of travel and living expenses and indicates that all ordinary living and travel expenses are governed by 4 Pa. Code Part II Subpart D. Section 201.4(g) of the Commission's regulations specifies the responsibilities of each political subdivision applying to the Commission for reimbursement:

All such applications for funds shall be accompanied by a certified copy of a resolution or resolutions adopted by the governing body or bodies of the political subdivisions providing that, while receiving any State funds pursuant to the 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.

In addition to providing reimbursements for 50% of officers' salaries and other expenses incurred while attending basic training, the Commission provides funding for actual expenses incurred by political subdivisions for conducting voluntary in-service training programs for their police officers. The Commission has developed one 32-hour in-service training program as outlined in Appendix G. Other in-service training programs are developed by individual police departments and are subject to majority vote of the Commission prior to becoming eligible for funding. The In-service Training Committee reviews each request for subject matter, costs and determination if the grant is appropriate. Section 201.44(d)(3) of the regulations specify the following grant limitations:

(3) Allowable in-service training program costs shall be limited to the following categories:

- (i) Instructors - reasonable expenditures, as determined by the Commission.
- (ii) Services - expenditures for rentals and contractual services.
- (iii) Supplies - expenditures for necessary supplies for course instruction; however, nonexpendable equipment purchases are not included.
- (iv) Administration - expenditures for development and implementation of the program, but not to exceed 10% of the total grant.
- (v) Other - supplementary expenditures not specifically provided for in the preceding categories, subject to Commission approval.

Commission regulations further specify that 50% of the grant monies should be disbursed within 30 days of Commission approval. Within 120 days after conclusion of the training, an audit is to be conducted to verify actual allowable grant expenditures. Based on the audit results, the Commission is required to then disburse the balance of the training funds. (See Finding C of this report for more information on the Commission's auditing responsibilities.) Subsection H of this report section provides information on training costs and the number of officers receiving in-service training.

#### H. Revenue and Expenditure Information

The Municipal Police Officers' Education and Training Commission is appropriated monies from the State General Fund and the State Motor License Fund on a 50/50 ratio. Such funds are expended for Commission and staff expenses for administering the Municipal Police Officers' Education and Training Program.

Exhibit D below illustrates the amount of funds appropriated, expended and lapsed for fiscal year 1981-82 through 1985-86.

Exhibit E on the following page illustrates a breakdown of funds expended and the number of police officers who have received basic training and who have participated in in-service training grant programs for fiscal years 1981-82 through 1985-86.

#### EXHIBIT D

##### Appropriations, Expenditures, Encumbrances, Lapse

	<u>1981-82</u>	<u>1982-83</u>	<u>1983-84</u>	<u>1984-85<sup>a/</sup></u>	<u>1985-86</u>
Appropriation....	\$4,915,300	\$3,214,000	\$2,412,000	\$4,995,000	\$4,493,000
Expenditures <sup>b/</sup> ...	2,409,559	1,052,404	1,262,103	1,380,776	1,799,367
Encumbrances ...	696,441	1,453,207	1,083,646	3,417,262	2,193,633
Lapse.....	1,809,300	708,389	66,251	196,962	500,000 (est.)

a/In 1984, Title 53 P.S. §741.3 and 6 was amended to delete the phrase "other than a city of the first class." With this change, the Philadelphia officers were to be trained in accordance with the act and reimbursed for any training received after January 1, 1984. There were 326 Philadelphia police officers reimbursed in FY 1984-85 which was 47% of the total number of officers reimbursed. Because of this, payments political subdivisions nearly doubled from FY 1983-84 to FY 1984-85, rising from \$1,437,911 to \$2,846,684.

b/Part or all of encumbrance expended between July 1 and December 31 of each year. Records of actual encumbrances are kept by the Public Protection and Recreation Comptroller.

Source: Developed by LB&FC staff from MPOETC Annual Reports.

#### I. Political Subdivisions and Police Officers by County

Section 741(6) of the Commission's enabling legislation defines a political subdivision as "...any county, city, borough, incorporated town or township." The same legislation defines a police department to mean "...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." A listing of political subdivisions by county, number of political subdivisions with police departments by county and number of full-time and part-time police officers by county can be found in Appendix B.

## EXHIBIT E

Expenditures of MPOETC<sup>g/</sup>

	<u>FY</u> <u>1981-82</u>	<u>FY</u> <u>1982-83</u>	<u>FY</u> <u>1983-84</u>	<u>FY</u> <u>1984-85</u>	<u>FY</u> <u>1985-86</u>
<u>In-Service Training</u>					
Number of Officers Receiving Training.....	-0- <sup>a/</sup>	2,547	3,459	5,885 <sup>f/</sup>	7,440
Total Expenses (Less Refunds) For					
In-Service Training <sup>b/</sup> .....	-0- <sup>a/</sup>	\$143,797	\$169,583	\$195,161	\$247,274
Average Expense Per Officer.....	-0- <sup>a/</sup>	\$ 56.46	\$ 49.03	\$ 33.16	\$ 33.24
<u>Basic Training</u>					
Number of Officers Reimbursed.....	1019 <sup>c/</sup>	435	384	695	443
Officers' Salaries.....	\$ 883,468	\$ 539,691	\$ 581,562	\$1,394,770	\$ 849,822
Tuition.....	\$ 822,910	\$ 535,913	\$ 534,163	\$ 980,872	\$ 899,454
Other <sup>d/</sup> .....	\$ 482,702	\$ 331,437	\$ 322,186	\$ 275,881	\$ 241,299
Total Grants and Subsidies <sup>e/</sup>					
for Basic Training .....	<u>\$2,189,080</u>	<u>\$1,407,041</u>	<u>\$1,437,911</u>	<u>\$2,651,523</u>	<u>\$1,990,575</u>
Average Expense Per Officer.....	\$ 2,148	\$ 3,235	\$ 3,475	\$ 3,815	\$ 4,493

a/According to Commission staff, in-service training was not reimbursed by the Commission prior to FY 1982-83 with the exception of 1980 when less than \$50,000 was expended.

b/Refunds show transferred to a political subdivision in error or as a result of an unauthorized or improper request for reimbursement must be refunded to the Commission.

c/The actual number of officers reimbursed for FY 1981-82 was 504. The number used for FY 1981-82 includes reimbursement to 515 officers from the prior fiscal year because of insufficient funds.

d/Other includes travel, lodging, meals, books and miscellaneous expenses.

e/The Commission reimburses the political subdivision 100% of the ordinary and necessary living and travel expenses incurred by their officers while attending a certified police basic training school. The Commission also reimburses the political subdivision 50% of the regular salaries of the police officers while attending an approved school.

f/Number includes advanced courses for Philadelphia only.

g/Figures are rounded to the nearest dollar.

Source: Developed by LB&FC from MPOETC Annual Reports.

#### IV. DEFINITION OF THE AUDIT PROCESS AND METHODOLOGY

##### A. Description of General Audit Methodology

Interest in the accountability of government spending has increased substantially over the past few years. In response to this interest by public officials, legislators and private citizens, much growth has taken place in the academic community, generally under the heading of evaluation research, and in the professional auditing community, under the title of performance auditing. The auditing profession has identified a number of specific requirements and standards that define methods and standards in the performance audit process. These characteristics of an acceptable performance audit process are widely accepted and are followed by the U.S. General Accounting Office and various state audit organizations. Some of the more important requirements and standards are:

- all audit findings must be fully supported by an objective analysis of all pertinent facts,
- all auditors and their supervisors must be totally independent from the agency being audited,
- the performance audit report shall include information on any impairments encountered during the audit, such as denial of access to information,
- the audit agency should obtain the views of the audited agency on the audit findings and recommendations prior to the audit's public release.

It is widely recognized that a performance audit cannot address in detail all problem areas discovered during the audit process. The accepted practice is to identify in the early stages of the audit the most important problems and to structure the audit so that such problems are addressed by priority. As a result, frequently, some issues are not addressed in the audit simply because other issues are deemed of greater importance.

##### B. Explanation of Efficiency and Effectiveness

A sunset performance audit is aimed at an evaluation of several aspects of the agency being audited. Two of the more important aspects are the effectiveness of the agency in meeting its own objectives and the program goals intended by the Legislature and the efficiency with which the agency utilizes its resources.

###### --Effectiveness

This term refers to the relationship between the agency's actual results and the desired results for which the agency was estab-

lished. The measurement of effectiveness requires that the agency being audited has identified its goals and objectives and has a method for measuring them, or that such definition and measurement can be accomplished by the agency conducting the audit.

#### --Efficiency

In performance auditing, this term has a specific definition; it is the ration of agency input (e.g., dollars expended or personnel used) to agency output (e.g., products or services). It is usually expressed in terms of activities per dollar or vice versa. Generally, judgement on the efficiency ratio can be shown in comparison with the efficiency ratio of similar agencies or when an alternative, less expensive method that will yield acceptable output can be identified.

#### C. Description of the Specific Methodology used in the Audit

The information presented in this audit report has been collected from a variety of sources. Prior to the start of the actual audit, an in-depth LB&FC "Pre-audit Survey Questionnaire" was completed by the Municipal Police Officers' Education and Training Commission and Commission staff. During the survey phase of the audit, questionnaires were mailed to all Commission members and to a sampling of municipal police chiefs, a sampling of certified police officers and all certified training schools. Additionally, the auditors attended Commission and Commission Committee meetings. Reviews of key statutes (especially the enabling legislation), regulations and pertinent court decisions were other key audit activities. Personal and telephone interviews were conducted with Commission members, Commission staff, PA State Police Bureau of Personnel staff, certified training school representatives, Public Protection and Recreation Comptroller's Office staff, Department of Community Affairs Bureau of Local Government Services staff, staff members on the PA Commission on Crime and Delinquency and staff members of the Deputy Sheriff's Training Board. Also, LB&FC staff attended training sessions at a certified training school and observed a MPOETC inspection of another certified training school. Additionally, contact was made with various state and national associations in the field of law enforcement. Finally, information used in this report was obtained from Commission staff files.

#### D. Explanation of How the Seven Sunset Criteria were Applied in this Audit

This sunset audit was planned so as to address the seven sunset criteria specified in Act 1981-142. Operational definitions of these seven criteria were developed and served as the framework within which the audit was conducted. While the audit findings were not tailored to a specific sunset criterion (i.e., there are not seven findings to address seven criteria) all of the sunset criteria were addressed in the audit of the Municipal Police Officers' Education and Training Commission. Below is a brief description of how each of the sunset criterion was applied to the audit.

1. Whether termination would significantly harm or endanger the public health, safety or welfare.

This criterion was addressed through a review of the legally mandated functions of the Commission and a determination of whether the termination of these functions would pose a serious threat to the public.

2. Whether there is an overlap or duplication by other agencies that permit the termination of the agency.

This criterion asks whether or not any other entity, such as the federal government, other state agency, or private professional association, currently performs the same major functions, either directly or indirectly, as does the Commission. If overlap does exist, then, termination of the Commission may be possible without significant harm resulting to the public.

3. Whether there is a more economical way of accomplishing the objectives of the agency.

The key information related to this criterion is whether the overall cost of the Commission can be reduced while still enabling the Commission to accomplish its objectives. The criterion also asks whether some other entity, governmental or private, can accomplish the same results at a lesser cost.

4. Whether there is a demonstrated need, based on service to the public, for the continuing existence of the agency.

This criterion requires specific examples of Commission actions that have benefited the public and, particularly, the public health, safety or welfare. There may be overlap here with criterion #1 in that one implied question is "Is the potential harm that existed at the time of creation of the agency still a potential harm?"

5. Whether the operation of the agency has been in the public interest.

A key word in this criterion is "operation," indicating that it deals with the Commission's activities. This criterion addresses both the effectiveness with which the Commission carries out its functions and whether the Commission has held the public interest above any possible self-serving interest of Commission members or of the regulated industry.

6. Whether the agency has encouraged public participation in the making of its rules and decisions, or whether the agency has permitted participation solely by the persons it regulates.

The specific question addressed by this criterion is: "To what extent have the Commission's rules and decisions been open to and influenced by the public point-of-view?" The most obvious items to analyze are the presence and effectiveness of the public members of the Commission.

7. Whether there is an alternate, less restrictive method of providing the same services to the public.

This criterion asks whether the Commission's services or an acceptable substitute can be provided either by the Commission or by someone else and/or in a less restrictive manner.



## APPENDICES

APPENDIX A

Proposed Municipal Police Officers' Education and Training  
Law Revisions and MPOETC Position Statement

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AN ACT

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, borough, town, township or county police department assigned to criminal and/or traffic law enforcement duties, and for the purpose of training only, security officers of first class city housing authority, but shall exclude persons employed to check parking meters and/or to perform only administrative duties, auxiliary and fire police.

(4) "Certification" means the assignment of a certification number to a police officer after successful completion of mandatory basic training course and/or successful completion of mandatory in-service training. Certification is for a period of five years.

(5) "Certified Police Officer" means any police officer employed before June 18, 1974 or any police officer who has been certified by the Commissioner.

(6) "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.

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

(8) "Political subdivision" means any county, city, borough, incorporated town or township.

(9) "Waiver" means an exception granted to a police officer from the mandatory basic training requirements for the purpose of certification.

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 nineteen 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) Four elected officials of the various political subdivisions of the Commonwealth, to be appointed by the Governor; one to be a borough official, one a first class township official, one a second class 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.

(12) The police commissioner of a city of the first class or his designee.

(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, basic training and in-service 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.]

(2) [(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.

(3) [(4)] To establish the minimum qualifications for instructors, to approve or revoke the approval of any instructor and to develop the requirements for continued certification.

(4) To establish minimum psychological and physical standards for newly employed police officers.

(5) To obtain the fingerprints of all newly hired police officers for examination by the Pennsylvania State Police and Federal Bureau of Investigation for the purpose of criminal history qualification.

(6) Establish a criminal history qualification standard for police officers.

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

(8) 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. —

(9) To grant waivers of mandatory basic training to police officers who have successfully completed previous equivalent training or who have acceptable full-time police experience, or both.

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.~~ To issue certificates of approval to instructors approved by the commission and withdraw certificates of approval from those instructors disapproved 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, as necessary.

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

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

(8) To revoke the certification of a certified police officer for cause or for failure to comply with mandatory in-service training requirements.

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

(10) 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.

(11) To certify police officers who have been granted waivers by the commission.

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 ten 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 employee 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 who 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 or thing of value.]

Any person hired as a municipal police officer by any political subdivision or group thereof acting in concert on or after June 18, 1974, must successfully complete the mandatory basic training course established by the commission

and be certified by the commissioner before being assigned to criminal and/or traffic law enforcement duties, or be authorized to carry firearms.

Any person employed as a municipal police officer by any political subdivision or group thereof acting in concert must successfully complete mandatory in-service training courses established by the commission to maintain continued certification.

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.

Any political subdivision or group thereof acting in concert that employs a police officer in violation of the provisions of this act shall be deemed ineligible for any funding or revenue sharing from the Commonwealth of Pennsylvania.

#### 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) one hundred 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 providing of training programs to policemen from other jurisdictions within the Commonwealth<sup>7</sup>, may approve in-service training grants for actual expenses incurred by political subdivisions of the Commonwealth or certified schools for the providing of training programs to police officers 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.

~~(d) If a police officer, within two years following certification, terminates his employment with the political subdivision by which he was employed at the time he was duly certified as having met the commission's requirements and thereafter obtains employment as a police officer with another political subdivision the political subdivision which employs the previously certified police officer shall reimburse the political subdivision which formerly employed the police officer for the nonreimbursable portion of the salary paid to the police officer while complying with the provisions of this act. ((d) added Oct. 11, '83', P.L. 363, No. 163)~~

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, 1974 and ending June 30, 1975. The Legislature will appropriate the funds necessary 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.

Source: Municipal Police Officers' Education and Training Commission's 1985-86 annual report.

## POSITION PAPER ON THREE SIGNIFICANT CHANGES TO ACT #120

### BACKGROUND

At the Municipal Police Officers' Education and Training Commission meeting (MPOETC) of 13 June, 1985, the Rules and Regulations's Committee proposed to Commission members present that Act #120 be revised as follows:

- (1) To require all municipal police officers to complete the mandated basic training course at a certified academy, and to be duly certified as having met the necessary requirements established by the Commission, prior to assuming their sworn duties and functions
- (2) To reimburse political subdivisions all of the salary of their newly hired officers after the latter completes, satisfactorily, the mandated basic training course and are certified, and
- (3) To direct that all municipal police officer applicants meet minimum employment standards.

Chairman Cochran requested the Rules and Regulations Committee prepare a position paper on the three proposed changes, to be presented to the full Commission, at its next meeting, (12 September, 1985.) Set forth below, is the position paper.

### DISCUSSION

With regard to satisfactory completion of mandatory basic training and subsequent certification by the Municipal Police Officers' Education and Training Commission, before being allowed to perform law enforcement duties and functions, it is legal currently, in Pennsylvania for municipal police officers to enforce the law before being trained. The present municipal police training act permits municipalities which hire new police officers to take up to one year, from date of hire, to enroll them in the mandatory basic training program. Thus, fully employed new police officers can enforce law up to fifteen months before completing basic training, and for part-time police it could be over two years. This exposes the citizens of Pennsylvania to the actions and decisions of an untrained person employed as a police officer. While this situation does not appear to exist in the larger departments (approximately twenty-two percent of the total,) it exists to an unacceptable degree in the small departments, (about seventy-eight percent of the total,) which, incidentally, hire almost all of the part-time officers employed in the state. This condition is severely detrimental to the health, safety and welfare of Pennsylvania citizens and untrained personnel; it could result in costly civil suits, and might cause arrests to be considered illegal by the courts. There are numerous examples and some of the most glaring include the use of firearms by untrained persons, the requirement to administer first aid in diverse emergencies; and the interpretation of the Crimes and Vehicle Codes by those untrained. Current law also encourages excessive hiring and re-hiring of police, particularly the part-time officers, because of the long time delay in the completion of training.

While the above change to existing law could be perceived to cause operational hardships in some of the smaller departments, improved management and planning should overcome the problems. In a worst case scenario, in a six man department, where four or five of the officers are hired part-time, the potential exists for an inordinate number to resign within a short time period. Political subdivisions and their solicitors will have to be aware this could happen, and plan accordingly. Concerning the availability of certified academies to provide timely training, it should be noted that with twenty-two academies, and if we develop a new requirement that they post the proposed scheduling of recruit classes one year in advance, it will be assured that beginning recruit classes will be available on a timely basis. It is possible there will be a need for the occasional waiving of the present requirement that the recruit officer attend the school nearest to his police department. However, it is not anticipated that the additional expenses incurred will have a detrimental effect on the budget, provided good controls are instituted to minimize or eliminate the need for a waiver.

It should also be noted that during the time necessary to complete training and become certified, a newly hired officer cannot perform any law enforcement functions. However, he could be assigned non-law enforcement duties.

Concerning total salary repayment, many municipalities indicate they are experiencing financial problems, because the Commission only reimburses fifty percent of the salary. Some departments have requested extensions for newly hired police beyond the one year limitation after hire by pleading lack of funds. The shortage of funds, combines with the overriding need for more police to encourage political subdivisions to defeat the purpose of the law by entering into an agreement with the newly hired officer, sometimes as a pre-condition for hire, whereby the latter is forced either to forego his fifty percent of the salary or reimburse the political subdivision while undergoing training.

It is estimated that Pennsylvania now hires about 1,000 new police officers annually. The average cost of training a newly hired recruit is \$4,150.00. Under existing law, the state's total annual basic training officers' salary reimbursement is \$1,572,350.00. To adopt this proposal would increase the Commission's reimbursement for salary by \$1,572,350.00. With an annual budget of \$5,000,000 (to include in-service training,) no financial problem is anticipated.

Salary and fringe benefits are the predominant motivation to the above mentioned financial condition. The ultimate fifty percent cost, also has contributed to extremely early resignations by newly hired and trained police from their original department in order to join better paying departments. The gaining department obtained a fully trained police officer at the expense of the losing department. To curtail such a practice, the legislature passed Act #169 in October, 1984, requiring a political subdivision, which employed a fully trained police officer previously employed by another political subdivision, to reimburse the latter fifty percent of the officers' salary, provided the change of employment occurred up to two years from the date of certification.

Existing law has no requirement for employment standards for newly hired police. Accordingly, a convicted felon; an individual who may be psychologically unsuitable, or someone with extreme physical impediments can become a municipal police officer. The requirement of employment or selection standards are at the discretion of the hiring political subdivision. While the larger police departments, perhaps about 200 of the total number of over 1300 departments, have few to numerous standards, it can be assumed that a considerable number of the approximately 1100 smaller departments have few to no employment standards, probably because of the cost involved. Examples of the problem include an illiterate and a convicted felon who were admitted to certified academies. At the 1985 annual meeting in Seven Springs, of the Pennsylvania Police Chiefs' Association, members of the In-service Training and Executive Committees attended, as invited guests of the Chiefs. When the above three proposed changes were mentioned to a representative number of Chiefs from all over the state, there was an overwhelming endorsement. The Executive Director of the Chiefs' Association and its leadership volunteered to appear before the General Assembly to support the changes. A questionnaire was also distributed to each Chief; of the completed questionnaires returned to the Commission staff, there was general support for the changes.

Currently, the Commission, since inception, has gone with a de-centralized approach to basic and in-service training. The de-centralized concept has contributed heavily towards the lack of changes in the law. Implementation of the three changes --- provided the Commission and the Legislature approve --- will move the Commission to a more centrally controlled concept. These changes, combined with the new curriculum requirements and other proposals, would create an appreciable increase of staff workload. However, the Chairman has advised that approval has been given for two more staff personnel in the current budget.

It is anticipated that a number of the over 1100 political subdivisions will be opposed to the change that will require all newly hired police to complete the basic course satisfactorily and obtain Commission certification prior to being utilized to enforce law, particularly if their police departments are composed of a number of part-time officers. However, it must be noted that the 1100 police departments only employ about 16% of police officers affected by Act #120.

Pennsylvania requires all persons hired and employed as security officers, and who carry lethal weapons in the performance of their security duties to be trained. Act #235 mandates the requirement. It is noteworthy that the Act #235 training program requires these individuals to complete training satisfactorily and be certified prior to assuming the security duties. The Act also enunciates physical, psychological and criminal conviction standards that applicants must meet prior to their admission as students to certified schools. It is incomprehensible that security officers who carry lethal weapons in the performance of their duties are required to successfully complete mandated training and qualification standards as pre-conditions to employment, yet municipal police are NOT presently required by state law to do so.

#### CONCLUSIONS

Professionalism of municipal police will be enhanced if physical, psychological and criminal conviction standards are mandated as a pre-condition of employment.

To require all personnel to complete basic training, prior to being utilized in law enforcement duties, would benefit citizens and newly hired police, minimize the potential for civil liability suits and improve police performance.

It is feasible, financially, to restore all of the recruit officer's salary to his political subdivision, after he successfully completes the mandated basic training program and is certified.

#### RECOMMENDATIONS

Recommend adoption of minimum selection standards, reimbursement of 100% of salary and the requirement that officers complete basic training and obtain Commission Certification, prior to assuming law enforcement functions.

## APPENDIX B

Political Subdivisions and Number of Police Officers by County

<u>County Name</u>	<u># of Political Subdivisions</u>	<u>Political Subdivisions with PD</u>	<u>Number of Police Officers</u>		
			<u>Full-time</u>	<u>Part-time</u>	<u>Total</u>
Adams	34	19	39	20	59
Allegheny	128	118	2,430	271	2,701
Armstrong	45	23	23	73	97
Beaver	53	45	155	219	374
Bedford	38	7	10	9	19
Berks	75	52	352	122	474
Blair	24	13	121	47	168
Bradford	51	17	31	51	82
Bucks	53	45	535	85	620
Butler	57	25	86	44	130
Cambria	64	44	139	168	307
Camerson	7	1	1	3	4
Carbon	23	13	41	46	87
Centre	36	10	84	5	89
Chester	73	49	278	143	421
Clarion	34	8	13	10	23
Clearfield	50	15	43	23	66
Clinton	29	14	15	18	33
Columbia	33	22	37	48	85
Crawford	51	13	52	19	71
Cumberland	34	18	149	10	159
Dauphin	40	22	310	48	358
Delaware	49	41	693	169	862
Elk	13	5	22	14	36
Erie	39	13	294	30	324
Fayette	42	24	89	27	116
Forest	9	1	0	1	1
Franklin	21	6	52	10	62
Fulton	13	1	2	0	2
Greene	26	4	9	8	17
Huntingdon	48	7	13	19	32
Indiana	39	12	30	34	64
Jefferson	34	9	27	16	43
Juniata	17	5	2	5	7
Lackawanna	40	29	263	117	380
Lancaster	60	42	316	51	367
Lawrence	27	19	63	56	119
Lebanon	26	16	91	20	111
Lehigh	24	14	270	56	326
Luzerne	75	59	315	166	481
Lycoming	52	12	86	17	103
McKean	22	11	37	29	66
Mercer	48	18	127	40	167

<u>County Name</u>	<u># of Political Subdivisions</u>	<u>Political Subdivisions with PD</u>	<u>Number of Police Officer</u>		
			<u>Full-time</u>	<u>Part-time</u>	<u>Total</u>
Mifflin	16	5	32	3	35
Monroe	20	10	59	12	71
Montgomery	62	49	969	76	1,045
Montour	11	2	12	0	12
Northampton	38	27	309	104	413
Northumberland	36	15	88	13	101
Perry	30	6	8	8	16
Philadelphia	1	1	7,075	0	7,075
Pike	13	4	7	22	29
Potter	31	9	7	14	21
Schuylkill	67	33	123	61	184
Snyder	21	6	10	3	13
Somerset	50	18	34	73	107
Sullivan	13	2	2	0	2
Susquehanna	40	16	13	46	59
Tioga	40	18	18	26	44
Union	14	5	16	14	30
Venango	31	5	43	9	52
Warren	27	7	31	6	37
Washington	67	46	165	94	259
Wayne	28	6	11	15	26
Westmoreland	65	43	229	143	372
Wyoming	23	8	10	6	16
York	72	39	295	46	341
TOTAL	2,572	1,321	17,312	3,161	20,473

Source: Pennsylvania State Police, Bureau of Research and Development United Crime Reporting Section, January 1985.

## Appendix C

### Municipal Police Officers' Education and Training Program Twelve Week Course Outline

DESCRIPTION	REQUIRED HOURS
A. INTRODUCTION TO THE CRIMINAL JUSTICE SYSTEM	Total 16 Hours
1. Police History	2 Hours
a. Ancient	
b. United States	
c. Pennsylvania	
2. Political Science	3 Hours
a. Overview of Systems of Government	
b. Pennsylvania State and Local Governments	
3. Foundations and Functions of The Criminal Justice System	3 Hours
a. Police	
b. Courts	
c. Probation and Parole	
d. Corrections	
e. Their Interplay	
4. Role of The Police in The Criminal Justice System	8 Hours
a. Overview	
b. Relations with other Law Enforcement Agencies	
B. LAW	Total 94 Hours
1. Court Systems and Procedures	4 Hours
a. Summary Trials and Court Procedures	
b. Crime Victims Compensation Act	
2. Application of the U.S. Constitution to Local Police Procedures	2 Hours
3. Application of The Bill of Rights to Local Police Procedures	2 Hours
4. Search and Seizure	24 Hours
a. Basis of Search and Seizure Laws	
b. Supreme Court Decisions	
c. Legal Procedures of Searching	
(1) General Guidelines	
(2) Search of Persons	
(3) Search of Vehicles	
(4) Search of Buildings	
(5) Miscellaneous Searches	
5. Law of Arrest	10 Hours
a. Classes of Arrest - on view, by warrant, on suspicion of a felony	

b. Fugitives and Fresh Pursuit	
c. Arrests for Summary Offenses	
6. Use of Force in Making an Arrest	12 Hours
a. Types of Force	
b. Principles of Justification	
c. Civil Liability	
d. Use of Deadly Force	
7. Police Interviews and Interrogation	12 Hours
a. Admissions, Statements, and Confessions	
b. Interviewing	
c. Right to Counsel	
8. Law of Evidence	12 Hours
a. Relevancy, Competency, and Materiality	
b. Types of Evidence	
c. Entrapment	
d. Identifying the Accused - Lineups, Photos, and the like	
e. Exclusionary Rule	
9. Rules of Criminal Procedure	16 Hours
a. Institution of Proceedings	
(1) Duties of Police Officer	
(2) Duties of Issuing Authority	
(3) Rights of the Accused	
(4) Bail Rules	
(5) Actual/Mock Arrest, and Hearings	
b. Grand Jury	
c. Indictment	
d. Court Procedure	
C. HUMAN VALUES AND PROBLEMS	Total 76 Hours
1. Juvenile Problems and Investigation; The Juvenile Act	12 Hours
2. Police-Community Relations, Police-Public Relations and Police Ethics	16 Hours
a. Police Community Relations	
b. Police Citizen Contacts	
c. Courtesy and Public Relations	
d. Police Ethics	
e. Police and News Media Relations	
f. Public Speaking	
3. Human Relations; Cultural Awareness	8 Hours
a. Ethnic, Racial and Sexual Differences	
b. Police Socialization and Stress	
4. Mental Health Procedures Act - Crisis Intervention	20 Hours
a. Handling Emotionally Disturbed Persons	
b. Handling Family Crisis	
c. Mental Health Act	
d. Conflict Management, namely, Resolution and Referral of Disputes	
e. Riot Control	

f. Handling Confrontations	
g. Introduction to Hostage/Barricaded Gunman Negotiation	
5. Criminology - Causes of Crime	8 Hours
6. Service Calls	12 Hours
a. Emergency	
b. Non-Emergency	
c. Runaways and Missing Persons	
 D. PATROL AND INVESTIGATION PROCEDURES	 Total 152 Hours
1. Pennsylvania Crimes Code; Controlled Substance, Drug, Device and Cosmetics Act	42 Hours
a. Pennsylvania Crimes Code, Title 18, Crimes and Offenses	
b. Controlled Substance, Drug, Device and Cosmetics Act	
2. Pennsylvania Vehicle Code; Accident Investigation and Traffic Control	40 Hours
a. Preliminary Provisions and Definitions	
b. Enforcement	
c. Rules of the Road	
d. Traffic Laws	
e. Regulation and Direction of Traffic	
f. Accident Investigation	
3. Patrol Procedures; Crime Prevention	15 Hours
a. Patrol Procedures - Foot and Vehicle	
b. Pursuit, Stopping, and Approaching	
c. Builing and Vehicle Checks	
d. Survival Techniques	
e. Crime Prevention Programs and Skills	
f. Pennsylvania No-Fault Motor Vehicle Insurance Act	
4. Preliminary Investigation	15 Hours
a. First Officer's Response	
5. Criminal Investigation	30 Hours
a. General Procedures	
b. Securing Crime Scene and Use of Laboratory Personnel	
c. Care and Preservation of Physical Evidence	
d. Crime Scene Sketching	
e. Crime Scene Searching	
f. Effective Use of Results of Interviews	
g. Use of National Crime Information Center	
h. Surveillances	
i. Lab Aids	
6. Report Writing and Communications	10 Hours
a. Elements of Effective Police Writing	
b. The Policeman's Notebook	
c. The Incident Report	
d. The Investigative Report	
e. Basic Essentials for Radio and Telephone Communications	

E. POLICE PROFICIENCY

Total 142 Hours

- |   |          |
|---|----------|
| 1. Firearms   | 40 Hours |
| a. Safety - Range, On Duty, and Off Duty  |          |
| b. Range Procedure  |          |
| c. Loading and Unloading  |          |
| d. Principles of Shooting   |          |
| e. Bull's-eye Shooting  |          |
| f. Combat Shooting  |          |
| g. Qualification  |          |
| h. Miscellaneous Firearms, including shotgun  |          |
| 2. Physical Conditioning, Defensive Tactics and Techniques, and Mechanics of Arrest | 48 Hours |
| a. Physical Conditioning  |          |
| b. Defense Tactics  |          |
| (1) Fundamentals of Defensive Tactics   |          |
| (2) Come Along Holds  |          |
| (3) Defense Against Knife Attacks and Disarming                                     |          |
| (4) Defense Against Gun Attacks and Disarming                                       |          |
| (5) Escape from Holds   |          |
| (6) Throws and Falls  |          |
| (7) Use of Baton  |          |
| (8) Frisk and Search Procedures   |          |
| (9) Use of Defensive Weapons  |          |
| c. Searching, Securing and Transporting   |          |
| d. Use of Handcuffs   |          |
| e. Use of Flexcuffs   |          |
| 3. Advanced First Aid and C.P.R.  | 48 Hours |
| a. Advanced First Aid   |          |
| b. C.P.R.   |          |
| 4. [Reserved]   |          |
| 5. Driver Training  | 4 Hours  |
| a. Defensive Driving  |          |
| 6. Public Safety  | 2 Hours  |
| a. Hazardous Commodities  |          |

Source: 37 Pa. Code §201.21(e).

## Appendix D

### Municipal Police Officers' Education and Training Program Modular Course Outline

MODULE NO.	REQUIRED HOURS
I. INTRODUCTION	Total 44 Hours
A. Police History	2 Hours
1. Ancient	
2. United States	
3. Pennsylvania	
B. Political Science	3 Hours
1. Overview of Systems of Government	
2. Pennsylvania State and Local Governments	
C. Foundations and Functions of the Criminal Justice System	3 Hours
1. Police	
2. Courts	
3. Probation and Parole	
4. Corrections	
5. Their Interplay	
D. Role of the Police in the Criminal Justice System	8 Hours
1. Overview	
2. Relations with Other Law Enforcement Agencies	
E. Court Systems and Procedures	4 Hours
1. Summary Trials and Court Procedures	
2. Crime Victims Compensation Act	
F. Application of the U.S. Constitution to Local Police Procedures	2 Hours
G. Application of the Bill of Rights to Local Police Procedures	2 Hours
H. Police-Community Relations, Police-Public Relations and Police Ethics	16 Hours
1. Police Community Relations	
2. Police Citizen Contacts	
3. Courtesy and Public Relations	
4. Police Ethics	
5. Police and News Media Relations	
6. Public Speaking	
I. Driver Training	4 Hours
1. Defensive Driving	
II. PENNSYLVANIA VEHICLE CODE; ACCIDENT INVESTIGATION AND TRAFFIC CONTROL	Total 42 Hours
A. Vehicle Code	32 Hours
1. Preliminary Provisions and Definitions	

- 2. Enforcement
- 3. Rules of the Road
- 4. Traffic Laws
- 5. Regulation and Direction of Traffic
- B. Accident Investigation 8 Hours
- C. Public Safety 2 Hours
  - 1. Hazardous Commodities

### III. FIREARMS

Total 40 Hours

- A. Safety - Range, On Duty, and Off Duty
- B. Range Procedure
- C. Loading and Unloading
- D. Principles of Shooting
- E. Bull's-eye Shooting
- F. Combat Shooting
- G. Qualification
- H. Miscellaneous Firearms, including shotgun

### IV. PRELIMINARY AND CRIMINAL INVESTIGATION

Total 45 Hours

- A. Preliminary Investigation 15 Hours
  - 1. First Officer's Response
- B. Criminal Investigation 30 Hours
  - 1. General Procedures
  - 2. Securing Crime Scene and Use of Laboratory Personnel
  - 3. Care and Preservation of Physical Evidence
  - 4. Crime Scene Sketching
  - 5. Crime Scene Searching
  - 6. Effective Use of Results of Interviews
  - 7. Use of National Crime Information Center
  - 8. Surveillances
  - 9. Lab Aids

### V. CRIMINAL LAW I

Total 46 Hours

- A. Law of Arrest 10 Hours
  - 1. Classes of Arrest - on view, by warrant, on suspicion of a felony
  - 2. Fugitives and Fresh Pursuit
  - 3. Arrests for Summary Offenses
- B. Use of Force in Making an Arrest 12 Hours
  - 1. Types of Force
  - 2. Principles of Justification
  - 3. Civil Liability
  - 4. Use of Deadly Force
- C. Police Interviews and Interrogation 12 Hours
  - 1. Admissions, Statements and Confessions
  - 2. Interviewing
  - 3. Right to Counsel
- D. Law of Evidence 12 Hours



- |   |                |
|---|----------------|
| 7. Introduction to Hostage/Barricaded Gunman Negotiation                            |                |
| B. Juvenile Problems and Investigation  | 12 Hours       |
| 1. The Juvenile Act   |                |
| C. Human Relations - Cultural Awareness   | 8 Hours        |
| 1. Ethnic, Racial and Sexual Differences  |                |
| 2. Police Socialization and Stress  |                |
| X. PHYSICAL CONDITIONING, DEFENSIVE TACTICS AND TECHNIQUES, AND MECHANICS OF ARREST | Total 48 Hours |
| A. Physical Conditioning  |                |
| B. Defense Tactics  |                |
| 1. Fundamentals of Defensive Tactics  |                |
| 2. Come Along Holds   |                |
| 3. Defense Against Knife Attacks and Disarming                                      |                |
| 4. Defense Against Gun Attacks and Disarming  |                |
| 5. Escape from Holds  |                |
| 6. Throws and Falls   |                |
| 7. Use of Baton   |                |
| 8. Frisk and Search Procedures  |                |
| 9. Use of Defensive Weapons   |                |
| C. Searching, Securing and Transporting   |                |
| D. Use of Handcuffs   |                |
| E. Use of Flexcuffs   |                |
| XI. SERVICES AND PROCEDURES   | Total 45 Hours |
| A. Criminology and Causes of Crime  | 8 Hours        |
| B. Patrol Procedures and Crime Prevention   | 15 Hours       |
| 1. Patrol Procedures - Foot and Vehicle   |                |
| 2. Pursuit, Stopping and Approaching  |                |
| 3. Building and Vehicle Checks  |                |
| 4. Survival Techniques  |                |
| 5. Crime Prevention Programs and Skills   |                |
| 6. Pennsylvania No-Fault Motor Vehicle Insurance Act                                |                |
| C. Service Calls  | 12 Hours       |
| 1. Emergency  |                |
| 2. Non-Emergency  |                |
| 3. Runaways and Missing Persons   |                |
| D. Report Writing and Communications  | 10 Hours       |
| 1. Elements of Effective Police Reporting   |                |
| 2. The Policeman's Notebook   |                |
| 3. The Incident Report  |                |
| 4. The Investigative Report   |                |
| 5. Basic Essentials for Radio and Telephone Communications                          |                |

Source: 37 Pa. Code §201.21(e).

## Appendix E

### Municipal Police Officers' Basic Training Outline Pilot Program

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MODULE TOPIC	HOURS	
1. Orientation		
a. Role of the Police	2	
b. Police, Coroner and Judiciary	2	
c. Abnormal and Criminal Behavior	3	
d. Interpersonal Relations	4	
e. Stress Management	4	
f. Physical Fitness	30.5	
g. Law Enforcement and Civil Rights	2	
h. On-The-Job Training and Scheduling	1	
i. Caring for Equipment	<u>.5</u>	49
2. Vehicle Code	36	36
a. Vehicle Code and Related Statutes		
3. Criminal Law and Related Statutes	46	46
a. Crimes Code and Related Statutes		
4. Laws of Arrest and Search and Seizure		
a. Law of Arrest	12	
b. Law of Search and Seizure	12	
c. Law of Evidence	<u>8</u>	24
5. Rules and Procedures		
a. Rules for Initiating Action (Criminal and Non-Criminal)	10	
b. Arresting and Issuing Citations	4	
c. Arresting and Serving court Orders	4	
d. Testifying	<u>6</u>	32
6. Patrol Procedures		
a. Prepatrol	1	
b. Patrol	2	
c. Security	3	
d. Dignitary Security	1	
e. Patrol Incidents	10	
f. Responding to Patrol Incidents	2	
g. Dispute Intervention	3	
h. Obtaining Assistance	2	
i. Monitoring Vehicular and Pedestrian Traffic	4	
j. Evaluating Operators	6	
k. Inspecting Vehicles	4	
l. Interpreting I.D. Data	2	
m. Controlling Traffic Movement	2	
n. Animal Control	1	
o. Coordinating Activities	<u>1</u>	44

7.	Investigation		
a.	Criminal Investigation		
1.	Securing Crime Scene	7	
2.	Preliminary Investigation	5	
3.	Investigative Interviewing	6	
4.	Indepth Investigation	6	
5.	Area Searches	9	
6.	Processing Evidence	16	
7.	Photography	2	
8.	Preserving Latent Prints	3	
9.	Recording Fingerprints	3	
10.	Group Operations	3	
11.	Surveillance	2	
12.	Administrative Investigations	1	
b.	Accident Investigation	8	
1.	Securing Accident Scene		
2.	Collecting Evidence at Accident Scene		
3.	Formulating Conclusions		71
8.	Spoken and Written Communications		
a.	Citizen Contacts	4	
b.	Interviewing (General)	2	
c.	Explaining and Advising	2	
d.	Counseling	2	
e.	Delivering Correspondence and Emergency Assistance	1	
f.	Radio Communications/Receiving & Transmitting Messages	2	
g.	Maintaining Logs and Filing	2	
h.	Summarizing Information	2	
i.	Completing Form Reports	2	
j.	Report Writing	6	
k.	Diagramming	2	
l.	Dictating	1	28
9.	First Aid and Rescue		
a.	First Aid	40	40
10.	Operating Patrol Vehicles		
a.	Operating Patrol Vehicles	26	26
11.	Neutralizing Violent or Dangerous Persons and Mechanics of Arrest		
a.	Self Defense	31.5	
b.	Arresting Persons	2	
c.	Searching Persons	4	37.5
12.	Firearms		
a.	Firearms	40	40
	TOTAL		480

A total of 480 hours are scheduled. This includes 1.5 hours for Orientation and 5 hours for testing.

Source: Municipal Police Officers' Education and Training Commission staff.

Minimum Standards for Basic Training Instructors

Minimum standards for Instructors of Act #120, 480-Hour Basic Course, passed by the Municipal Police Officers' Education and Training Commission on March 6, 1986, effective for Basic Courses starting after April 6, 1986.

Official documentation (Photocopies), verifying your eligibility for all areas in which you wish to instruct, must be furnished with application.

Minimum requirements are indicated by an asterisk. (\*)

A. <u>INTRODUCTION TO THE CRIMINAL JUSTICE SYSTEM</u>	<u>* MINIMUM REQUIREMENTS</u>
<ol style="list-style-type: none"> <li>1. Police History</li> <li>2. Political Science</li> <li>3. Foundations and Functions of the Criminal Justice System—</li> <li>4. Role of the Police in the Criminal Justice System</li> </ol>	<p>(a, b, or f)</p> <p>(a, b, or f)</p> <p>(a, b, or f)</p> <p>(a, b, or f)</p>
<p>* (a) Copy of Associate Degree in Criminal Justice <u>OR</u> related field. (Transcript required.) <u>PLUS</u> three years Law Enforcement Experience.</p>	
<p>* (b) Five years Law Enforcement Experience. <u>PLUS</u> 80 hours of Instructional Experience <u>OR</u> an acceptable Instructor Development Course.</p>	
<p>* (f) Specialized training and related experience. <u>PLUS</u> 80 hours Instructional Experience <u>OR</u> an acceptable Instructor Development Course.</p>	
B. <u>LAW</u>	<u>* MINIMUM REQUIREMENTS</u>
<ol style="list-style-type: none"> <li>1. Court Systems and Procedures</li> <li>2. Application of the U. S. Constitution to Local Police Procedures</li> <li>3. Application of the Bill of Rights to Local Police Procedures</li> <li>4. Law Re: Search and Seizure</li> <li>5. Law Re: Arrest</li> <li>6. Law Re: Use of Force</li> <li>7. Law Re: Police Interrogation</li> <li>8. Law Re: Evidence</li> <li>9. Rules of Criminal Procedure</li> </ol>	<p>(c, d, or f)</p> <p>(c, d, or f)</p> <p>(c, d, or f)</p> <p>(c, d, or f)</p> <p>(c, d, or f)</p> <p>(c, d, or f)</p> <p>(c, d, or f)</p> <p>(c, d, or f)</p> <p>(c, d, or f)</p>
<p>* (c) Attorney WITH Criminal Law Experience</p>	
<p>(d) Five years Law Enforcement Experience. <u>PLUS</u> current training in PA Crimes Code (1973) <u>AND</u> PA Rules of Criminal Procedure (1974). <u>PLUS</u> 80 hours of Instructional Experience <u>OR</u> an acceptable Instructor Development Course.</p>	
<p>(f) Specialized training and related experience. <u>PLUS</u> 80 hours Instructional Experience <u>OR</u> an acceptable Instructor Development Course.</p>	

**C. HUMAN VALUES AND PROBLEMS**

**\* MINIMUM REQUIREMENTS**

- |   |                 |
|---|-----------------|
| 1. Juvenile Problems and Investigation:<br>Juvenile Delinquency Act       | (a, b, e, or f) |
| 2. Police-Community Relations: Police-<br>Public Relations: Police Ethics | (a, b, e, or f) |
| 3. Human Relations: Cultural Awareness                                    | (a, b, e, or f) |
| 4. Crisis Intervention: Mental Health Act                                 | (a, b, e, or f) |
| 5. Criminology: Causes of Crime   | (a, b, e, or f) |
| 6. Service Calls  | (a or b)        |

- \* (a) Copy of Associate Degree in Criminal Justice OR related field. (Transcript required. PLUS three years of Law Enforcement Experience.
- \* (b) Five years Law Enforcement Experience. PLUS 80 hours of Instructional Experience OR an acceptable Instructor Development Course.
- \* (e) Minimum B. A. In related field. Transcript Required.
- \* (f) Specialized training and related experience. PLUS 80 hours Instructional Experience OR an acceptable Instructor Development Course.

**D. PATROL AND INVESTIGATION PROCEDURES**

**\* MINIMUM REQUIREMENTS**

- |  |              |
|--|--------------|
| 1. PA Crimes Code: Controlled Substance Act (1973)         | (c, d, or f) |
| 2. PA Motor Vehicle Code:<br>Accident Investigation (1977) | (g or f)     |
| 3. Patrol Procedures: Crime Prevention                     | (h or f)     |
| 4. Preliminary Investigation                               | (h or f)     |
| 5. Criminal Investigation                                  | (h or f)     |
| 6. Report Writing and Communications                       | (h or f)     |

- \* (c) Attorney WITH Criminal Law Experience
- \* (d) Five years Law Enforcement Experience. PLUS current training in PA Crimes Code (1973) AND PA Rules of Criminal Procedure (1974). PLUS 80 hours of Instructional Experience OR an acceptable Instructor Development Course.
- \* (f) Specialized training and related experience. PLUS 80 hours Instructional Experience OR an acceptable Instructor Development Course.
- \* (g) Five years Law Enforcement Experience. PLUS current training in PA Vehicle Code (1977) AND Accident Investigation. PLUS 80 hours of Instructional Experience OR an acceptable Instructor Development Course.
- \* (h) Five years Law Enforcement Experience in the field of Instruction, AND 80 hours Instructional Experience OR an acceptable Instructor Development Course.

**E. POLICE PROFICIENCY**

**\* MINIMUM REQUIREMENTS**

- |   |          |
|---|----------|
| 1. Firearms   | (i)      |
| 2. Physical Conditioning and Defensive Tactics/Techniques and Mechanics of Arrest | (f)      |
| 3. Advanced First Aid & C.P.R.  | (j)      |
| 4. (Reserved)   |          |
| 5. Driver Training  | (f or k) |
| 6. Public Safety  | (f)      |

- \* (i) Approved Firearms Instructor  
Certification: e.g., NRA - Police Firearms INSTRUCTOR, F.B.I., SMITH WESSON, P.S.P. or OTHER
- \* (f) Specialized training AND related experience. PLUS 80 hours Instructional Experience OR an acceptable Instructor Development Course.
- \* (j) Current RED CROSS Advanced First Aid AND C.P.R. Instructor Certification, OR other recognized agency instructor certification. (Para Medic Instructor, Basic Pulmonary Life Support Instructor, Emergency Medical Technique Instructor.)
- \* (k) Municipal Police Driver Proficiency Instructor Development Course

Source: Municipal Police Officers' Education and Training Commission staff.

## APPENDIX G

### Four Part In-Service Training Course (32 hours)

Part I Law Criminal/Traffic	Hours	
A. Crimes Code Updates	2	
B. Vehicle Code Updates	2	
C. Rules of Criminal Procedure	2	
D. Search and Seizure	<u>2</u>	8
Part II Law Enforcement Arts		
A. Justification to Use Force and Deadly Force	3	
B. Preliminary Investigation	2	
C. Criminal Investigation	<u>3</u>	8
Part III Services		
A. Crime Prevention	2	
B. Community Relations	2	
C. Police Ethics	2	
D. Patrol Procedures	<u>2</u>	8
Part IV Elective		
A. Subjects Selected by LOCAL Municipalities	8	

These subjects should cover areas of particular local need, such as local ordinances but NOT FIREARMS training.

Source: Municipal Police Officers' Education and Training Commission staff.



Appendix H

Acting Pennsylvania State Police Commissioner (Commission Chairman)  
Response to this Report



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

February 5, 1987

Mr. Richard D. Dario,  
Executive Director  
Legislative Budget and Finance Committee  
Room 400  
Finance Building  
Harrisburg, PA 17120

Dear Mr. Dario:

The staff of the Municipal Police Officers' Education and Training Commission, Commission members and Lt. Colonel Nicholas G. Dellarciprete have reviewed the sunset performance audit conducted by your staff. It is the consensus of the reviewers that we agree with the findings of your staff. The following are comments regarding the individual findings:

Finding A: Relationship to Public Health, Safety and Welfare

The Commission and State Police agree with this finding.

Finding B: Public Input and Participation

The Commission and State Police agree with this finding.

Finding C: Improvements Needed in Auditing of Training Monies

The Commission and State Police agree with this finding. We are aware of many shortcomings in the auditing process and have developed some new procedures to resolve these problems. For example, the Request for Reimbursement Form has been changed to enable a desk audit to identify some problems immediately. In addition, a member of the staff will be appearing at the beginning of each basic training course to gather data directly from the students for comparison with the Request for Reimbursement that is submitted upon conclusion of the course. A meeting has been held with members of the Comptroller's Office who have initiated a program to collect additional documents from randomly selected municipalities. We have no opposition to an audit being conducted by another agency or a certified public accountant. We have two concerns: that we are unable to implement additional auditing procedures until additional staff is authorized and we do not believe the present sanctions for non-compliance are sufficient.

Finding D: Need for Improved Management Tools

The Commission and State Police agree with this finding. A staff member has been assigned the task of reviewing and correcting job

descriptions in order that desk audits can be performed by the State Police Bureau of Personnel. Our intent is to determine the proper classifications of the positions identified by the Audit and ensure that all other positions are properly classified. This task will be completed by the end of February. Program goals and objectives will be completed by April 1, 1987. A written procedures' manual will be in place by July 1, 1987.

Finding E: Need to Recertify Training Program Instructors

The Commission and State Police agree with this finding. However, there is a question regarding the charging of a fee to recertify instructors. The majority of instructors at certified schools operated by municipal government and the Commonwealth are assigned this task as part of their duties. The government organization, either the municipality or the Commonwealth would probably pay the fee. This would, in turn, increase the school operating costs and would be reflected in an increased tuition. The Commonwealth would then be repaying the certification fee. The Commission does not believe it is feasible to charge a recertification fee that would be reimbursed.

Finding F: Inadequate System to Determine Municipal Compliance With Law

The Commission and the State Police agree with this finding. This task will become especially important if the revisions to the Act are approved. However, we cannot accomplish this task until additional staff is available and the EDP system is improved.

Finding G: Need to Improve School Monitoring Procedures

The Commission and the State Police generally agree with this finding, but disagree with the concept of a fee for recertification. The charging of a fee would be an increased cost for the school that would result in a tuition increase that would in turn be reimbursed by the Commonwealth.

Finding H: Legal Status of Commission

The Commission and the State Police do not believe a comment on this finding is appropriate. The determination that the Commission be a departmental commission, within the Pennsylvania State Police, or an independent commission should be decided by the Legislature after public hearings that would provide for input from the State Police, municipal police and municipal government.

Finding I: No School Representative on Commission

The Commission and the State Police agree with this finding. We suggest that the School Director representative be a person elected by the Municipal Police Certified School Director's Association.

Finding J: Problems Concerning Rules and Regulations

The Commission and State Police agree in part with this finding. We are hopeful that the proposed revisions to Act #120 will be passed by the Legislature. The revisions will prompt major Rules and Regulations changes. At the present time, there is inadequate staff available to devote a significant amount of time to revisions that may be subject to radical change in the future.

Finding K: EDP Expansion

The Commission and State Police agree with this finding.

Finding L: Statutory Weaknesses Concerning the Screening of Trainees

The Commission and State Police agree with this finding.

Finding M: Need For Pre-Duty Training

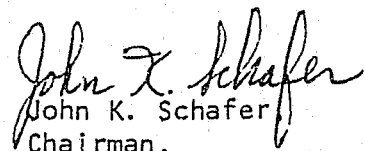
The Commission and State Police agree with this finding.

Finding N: Proposed Amendments to the Municipal Police Officers' Education and Training Act

The Commission and State Police agree with this finding.

Major Daniel A. Spang, Executive Director of the Commission, will be available at the Committee's convenience to answer any questions regarding the Commission's activities.

Sincerely yours,

  
John K. Schafer

Chairman,  
Municipal Police Officers'  
Education and Training Commission.

Appendix I

Comptroller's Office Response to this Report



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF THE BUDGET  
COMPTROLLER OPERATIONS

COMPTROLLER'S OFFICE  
PUBLIC PROTECTION & RECREATION  
P.O. BOX 2063  
HARRISBURG, PA 17120  
(717) 787-3105

February 10, 1987

Mr. Richard D. Dario  
Executive Director  
Legislative Budget and Finance Committee  
Room 400, Finance Building  
Harrisburg, Pennsylvania 17120

Dear Mr. Dario:

This office has reviewed the confidential draft copy of the sunset performance audit report on the Municipal Police Officers' Education and Training Commission and submit the following comments:

Page 21 - Improvements Needed in Auditing of Training Monies

The finding mentions that "the Comptroller's Office plans to propose that documentation of expenses be provided by municipalities." We have presented our proposal and obtained State Police concurrence to use this concept in obtaining documentation from municipalities under this program.

We concur with the recommendation to continue the program of field audits of municipalities on a selective basis; however, we disagree with the recommendation that would require municipalities to have annual audits of monies received. We think this requirement places a considerable burden on the municipalities, considering the size of the reimbursements.

Page 23 - Comptroller's Audit Role

The division described in this section is the State Police Comptroller's Office and not the Public Protection and Recreation Comptroller's Office internal audit division.\*

It is correct that the Public Protection and Recreation Comptroller's Office does allocate audit hours for performing selected Municipal Police Officers' Education and Training Commission audits.

Page 36 - Inadequate System to Determine Municipal Compliance With Law

The audits were performed by the State Police Comptroller's Office instead of the Public Protection and Recreation Comptroller's Office. The State Police Comptroller's Office was not "phased out" in 1981 but merged into the Justice Comptroller's Office which was later merged into the Public Protection and Recreation Comptroller's Office in June 1983.\*

\*/Refers to earlier draft;  
correction made in this final  
copy.

Yours truly,

*Ross E. Starner*  
Ross E. Starner  
Comptroller

RECEIVED FEB 12 1987