

COMMENTS OF THE INDEPENDENT REGULATORY REVIEW COMMISSION

ON

**MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
REGULATION NO. 17-62****ADMINISTRATION OF THE PROGRAM**

AUGUST 27, 1998

We have reviewed this proposed regulation from the Municipal Police Officers' Education and Training Commission (Training Commission) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to statutory authority, reasonableness, protection of the public health, safety and welfare and clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. Section 203.11. Qualifications. – Statutory Authority, Reasonableness and Protection of the Public Health, Safety and Welfare.

The proposed regulation implements the Act of June 18, 1974 (Act) (53 Pa. C.S.A. §§ 2161 - 2167), which establishes the training and education requirements for employment as a police officer. The Act requires a police officer to undergo a background investigation, including a criminal history check, a credit check and personal interviews, to determine fitness for employment. Section 203(11) of the proposed regulation would exempt an applicant for employment from these requirements if the applicant held a valid certification issued by the Training Commission or was a sworn member of the Pennsylvania State Police within two years of the date of employment on the application for certification.

Section 2164(7) and (8) of the Act requires the Training Commission to impose minimum standards for physical fitness and psychological evaluation. Both municipal police officers and State Police officers must meet physical fitness standards when they are initially hired. However, Pennsylvania State Police officers have not been required to have a psychological evaluation.

We have two concerns with the proposed regulation. First, the Training Commission should require that all applicants for employment undergo a criminal history check prior to being hired. We understand that this is a simple procedure, which imposes only a negligible cost, and is routinely done by municipal police forces.

Second, Section 2164(8) of the Act (53 Pa. C.S.A. § 2164(8)) requires all officers to meet minimum standards which include a psychological evaluation prior to employment. Since all other candidates for police certification are required by the Act to meet this requirement, we question why former Pennsylvania State Police officers should be exempt from this requirement.

2. Section 203.11. Qualifications. - Clarity.

The proposed exemption in the regulation references "State Police." The exemption is intended to apply only to former Pennsylvania State Police. The reference to "Pennsylvania" was omitted when the regulation was published in the *Pennsylvania Bulletin*. We recommend that the word "Pennsylvania" be inserted before "State Police" in the final-form regulation.

3. Section 203.11. Qualifications. Paragraph (9)(ii)(F)(I). - Clarity.

The Training Commission is deleting Paragraph (9)(ii)(F)(I) which allows an applicant who does not achieve the minimum grade in any tested area to retake the examination on that area at another Training Commission-certified school. The Training Commission is deleting this provision because schools have been reluctant to allow a candidate who was trained at one school to retake an examination at another school. However, by deleting this paragraph, the regulation is now silent on what options are available for an applicant who fails a section of an examination. We recommend that the Training Commission revise this paragraph, rather than delete it, to specify the conditions for retaking an examination. For example, this paragraph could provide that in order to retake the examination for the section the applicant failed, the applicant must also retake the training for that section.