

Regulatory Analysis Form		This space for use by IRRC
(1) Agency State Police - Municipal Police Officers' Education & Training Commission		
(2) I.D. Number (Governor's Office Use) 17-63		IRRC Number: 2332
(3) Short Title Municipal Police Officers' Education & Training Program - Administration of the Program		
(4) PA Code Cite 37 Pa. Code Chapter 203	(5) Agency Contacts & Telephone Numbers Primary Contact: Major Richard C. Mooney (717) 533-5987 Secondary Contact: E. Beverly Young, same as above	
(6) Type of Rulemaking (Check One) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted		(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor
(8) Briefly explain the regulation in clear and nontechnical language. The regulation amends § 203.11, §203.12, §203.33, and §203.54. §203.11(4.1) adds a reading requirement as a qualification and §203.11(6.1) adds a physical fitness requirement as a qualification. §203.12(4) is being amended to add a requirement that any candidate that obtains a waiver of training who fails the certification examination after three attempts shall have to re-take and pass the entire basic training course. §203.33(a)(14) is being amended to require schools to have adequate firing ranges for their students and to allow for indoor firing ranges. §203.54(a) is being amended to more fully clarify the cheating policy of the Commission.		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The Act of December 19, 1996, P.L. 1158, No. 177, as amended, 53 Pa.C.S. § 2161-2171, (the attached regulations are derived from 53 Pa.C.S. §2164(1), (8) and (14) (relating to the General Local Government Code)). There are no relevant court decisions.		

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The Act of December 19, 1996, P.L. 1158, No. 177, as amended, 53 Pa.C.S. § 2161-2171, (the attached regulations are derived from 53 Pa.C.S. §2164 (1), (8) and (14) (relating to the General Local Government Code)).

No deadlines for action.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Amending §203.11 to include sections (4.1) and (6.1) will benefit the public interest by requiring municipal police officers to be literate and physically fit, thus enabling them to better perform their duties.

Amending §203.12(4) will ensure that all municipal police officers will have current training upon certification.

Amending §203.33(a)(14) clarifies and insures that schools authorized to train municipal police officers will have adequate firing ranges available for firearms training and allows for indoor firing ranges.

Amending §203.54(a) clarifies the rules on cheating during training. This is intended to benefit the public by maintaining the integrity of the municipal police training programs.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

N/A

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Certified police training schools will benefit by being able to use an indoor firing range in the training.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effect as completely as possible and approximate the number of people who will be adversely affected.)

Applicants that are unable to perform at the 30th percentile in each of the five categories of physical fitness and those applicants that cannot read at a ninth grade level would be adversely affected. Waiver applicants that are unable to pass the certification examination in three attempts will have to re-take the entire basic training course. The number of persons affected is hard to quantify, but presumably the changes would not affect the majority of applicants.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Municipal police officers, certain campus police officers, certain deputy sheriffs, trainees, municipalities and certified police training schools. Approximately 50 to 100 officers will be affected annually. Certified police training schools will also be affected.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

The proposed changes to the existing regulations have been discussed and voted upon at various and numerous public meetings of the Commission.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

While none can be accurately quantified, the bulk of the savings to the regulated community will be through reduced civil litigation.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Refer to #17 above.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting or consulting procedures which may be required.

None known.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and cost associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

No additional funds are required.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY-3	FY-2	FY-1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The expected benefits of this regulation are derived from the expectation of reduced civil liability of the regulated community.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

None. The action proposed cannot be accomplished through any alternative method.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

On advice of counsel the agency is not aware of any other methods to accomplish the changes proposed.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

N/A

(25) How does the regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

This regulation will not put the Commonwealth at any competitive disadvantage.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

These proposed changes will affect the existing regulations of the Municipal Police Officers' Education and Training Commission, specifically, 37 Pa. Code Chapter 203, by amending §203.11, §203.12(4), §230.33(a)(14) and §203.54(a).

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Forms used to report the results of diagnostic testing of reading levels will be provided in the application packet. The forms are not yet available.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

N/A

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The changes will become effective upon final publication of the proposed regulation in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

Due to the unique nature of this regulation, it will be continuously reviewed, and updated if necessary, for its overall effectiveness and whether it is serving the greater interests of the citizens of the Commonwealth.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

#2332

Copy below is hereby approved as to form and legality. Attorney General

[Signature]
By: _____

(Deputy Attorney General)

JAN 28 2003

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

The Pennsylvania State Police

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 17-63

DATE OF ADOPTION 12/9/02

[Signature]
BY Colonel Paul J. Evanko

TITLE Chairperson 12/9/02

EXECUTIVE OFFICER CHAIRMAN OR SECRETARY

Copy below is hereby approved as to form and legality Executive or Independent Agencies

BY *[Signature]*

DATE OF APPROVAL 1/13/03

(Deputy General Counsel)
(Chief Counsel - Independent Agency)
(Strike inapplicable title)

Check if applicable. No Attorney General Approval or objection within 30 days after submission.

PROPOSED RULEMAKING

TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION
AND TRAINING COMMISSION

Subpart I. MUNICIPAL POLICE OFFICERS' EDUCATION
AND TRAINING COMMISSION

CHAPTER 203. ADMINISTRATION OF THE PROGRAM

PROPOSED RULEMAKING

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 203]

Administration of the Training Program

Description and Purpose

The Pennsylvania State Police, Municipal Police Officers' Education and Training Commission (Commission), proposes to amend 37 Pa. Code §203.11(4.1) & (6.1) (relating to qualifications) to include a ninth grade reading requirement and a physical fitness evaluation.

The Commission proposes to amend 37 Pa. Code §203.12(4) (relating to waiver of training) to limit a waiver candidate to three attempts at passing the Commission's certification examination. After the third failure, the candidate must re-take and pass the entire basic training course before that person will be eligible for certification. This amendment will ensure that a waiver candidate has current training by limiting the amount of times that the certification examination can be taken.

The Commission proposes to amend 37 Pa. Code §203.33(a)(14) (relating to minimum school standards) to allow certified schools to use indoor ranges, and to insure that all ranges must be able to handle the required training.

The Commission also proposes to amend its policy on cheating in order to define and clarify the acts that will constitute cheating and to make clear that anyone found guilty of cheating will be ineligible for certification.

The purpose of these proposed amendments is to clarify and correct various aspects of the existing regulations. The proposals are set forth in Annex A.

Statutory Authority

The amendments are proposed pursuant to 53 Pa.C.S. §2164 (1), (8), & (14) (relating to Part III, Subpart C, of the Local Government Code).

Effect

The proposed changes will primarily affect recruits. Recruits will have to pass a physical fitness assessment and pass a ninth grade reading test before they can become eligible for training.

January 8, 2003

The amendments will impact those persons seeking waivers of training, since they will have only three opportunities to successfully pass the certification examination. After the third failure, the waiver candidate must re-take and pass the basic training course in order to become eligible for certification.

Both recruits and veteran police officers will be affected by the new cheating policy. The impact of the new cheating policy is to put individuals and schools on notice as to what will be considered cheating on an official Commission sponsored examination. This amendment will allow the schools and the students to more readily detect and curb cheating and it establishes a more uniform policy.

Allowing certified schools to use indoor ranges will offer more flexibility to the schools. However, the indoor and outdoor ranges must be able to safely accommodate all of the required training.

Effective Date/Sunset Date

The amendments will be effective immediately upon final adoption. These regulations are continually monitored and updated as needed. Therefore, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act, 71 P.S. §745.1 et seq., the Commission submitted a copy of the proposed Annex and a copy of the Regulatory Analysis Form on **February 24, 2003** to the Independent Regulatory Commission (IRRC) and to the Chairperson of the House Judiciary Committee and the Senate Law and Justice Committee. A copy of these materials are available to the public upon written request.

Under Section 5(g) of the Act, IRRC may convey any comments, recommendations or objections to the proposed Annex within 30 days after the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the State Police, the General Assembly and the Governor of comments, recommendations or objections raised.

Contact Person/Public Comment

Interested persons wishing to comment are invited to submit all written comments within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. Each written comment must include the name, address and telephone number of the interested party and a concise statement with sufficient detail on the subject. Written statements may be directed to Major Richard C. Mooney, Executive Director, Municipal Police Officers' Education and Training Commission, 75 East Derry Road, Hershey,

Pennsylvania 17033, (717) 533-5987 extension 205. If you are a person with a disability and require an alternative format of this document (i.e. large print, audio tape, Braille) please contact Major Mooney so that he may make the necessary arrangements.

January 8, 2003

Annex A

Title 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Subpart A. MUNICIPAL POLICE OFFICERS' TRAINING PROGRAM

CHAPTER 203. ADMINISTRATION OF THE TRAINING PROGRAM

203.11 Qualifications

Insert the following language after subsection (5):

(5.1) Be able to read at no less than the ninth grade level, as established through the administration of the NELSON-DENNY READING TEST.

Insert the following language after subsection (6):

(6.1) Be evaluated to determine physical fitness using the standards developed by the Cooper Institute for Aerobics Research in Dallas, Texas. Each applicant shall score no lower than the 30th percentile of the Cooper standards, which coincides with the 30th percentile of the general population, in each of the five required evaluations in order to be eligible for employment. No person will be enrolled in a recruit training program at a police academy certified by the Commission unless the person has obtained a score in the 30th percentile or higher for the person's age and gender as specified in the Cooper standards for each of the five evaluations. The five required evaluations are as follows:

- (a) 1.5 mile run
- (b) 300 meter run
- (c) 1 repetition bench press
- (d) 1 minute sit ups
- (e) sit and reach

203.12 Waiver of training

(4) Take a certification examination administered by the Commission at a location and time designated by the Commission. The schedule for the examinations may be obtained by writing the Commission office.

(i) [The examination will be comprised of sections which shall coincide with each major topic in the basic training curriculum, but shall exclude those topics which can be proficiency tested only. See paragraph (3).] [(ii)] The minimum passing score [for each tested section] will be established by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the minimum passing score [for each tested section] changes.

[(A)] (ii) An applicant for a waiver of training [who does not achieve a passing score in a tested area shall take the basic police training course corresponding to the failed examination section at a school certified by the Commission, in order to be permitted to retake the certification examination] shall be permitted to take the certification examination a maximum of three times and only once in any day.

[(B)] (iii) Applicants will not be certified without obtaining a passing score on the certification examination. Failure to pass the certification examination after three attempts shall result in the applicant being required to take and pass the entire basic training course in order to qualify for certification.

[(iii)] (iv) Examination results shall be valid for 2 years. For applicants obtaining a passing score, no further examinations will be administered within this period.

203.33 Minimum school standards and requirements

(a)(14) An approved [type of outdoor] firing range shall be available to the school and used for firearms training. The range does not have to be part of the school facilities [; however, it shall have at least ten firing points with a minimum firing distance of 50 yards. The range] but shall be within a reasonable traveling distance from the school. The range shall be able to accommodate the requirements of the firearms training curriculum. The range shall present no apparent danger to the public as determined by the Commission inspector.

Commission cheating policy

(a) The contents of all examinations are confidential. An individual [observed cheating] shall not cheat or tamper in any manner with an official examination either conducted or sponsored by the Commission by obtaining, furnishing, accepting, or attempting to obtain, furnish or accept answers or questions to such examinations, or portions thereof. Furthermore, individuals shall not copy, photograph, or otherwise remove examination contents; nor shall they use any misrepresentation or dishonest method while preparing, administering, or participating in such examinations. Unauthorized possession of any test, examination, quiz or any questions, answers or answer keys relating to any test, examination or quiz shall constitute cheating. An individual violating this regulation shall be barred from further participation in any Commission required training and ineligible for certification. Individuals will receive notice and have an opportunity to be heard under Subchapter G (relating to notice and hearings).

(b) As is.

(c) As is.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA STATE POLICE
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

Syndi L. Guido
Director
Policy Office

E-Mail: sguido@state.pa.us
Telephone: (717) 772-0905
FAX: (717) 705-1750

February 24, 2003

The Honorable Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Proposed Rulemaking, Identification Number 17-63
Amendments to 37 Pa. Code, Chapter 203
Municipal Police Officers' Education and Training Commission
Administration of the Program

Dear Mr. Nyce:

The Pennsylvania State Police, Municipal Police Officers' Education and Training Commission proposes the following amendments to Title 37, Chapter 203, of the Pennsylvania Code:

- (1) amend § 203.11(4.1) and (6.1), relating to qualifications, to include a ninth-grade reading requirement and a physical fitness evaluation;
- (2) amend § 203.12(4), relating to waiver of training, to provide that any candidate who obtains a training waiver must pass the certification examination by the third attempt or take and pass the entire basic training course;
- (3) amend § 203.33(a)(14), relating to minimum school standards, to require certified schools to have adequate firing ranges and allow the use of indoor firing ranges; and
- (4) amend the Commission's policy on cheating to define the acts that will constitute cheating and clarify that anyone found guilty of cheating will not be eligible for certification.

The Honorable Robert E. Nyce
February 24, 2003
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Pursuant to the Regulatory Review Act, I am providing you with the attached copy of the proposed rulemaking. Should the Commission require any assistance with its review of the proposed regulations, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Syndi L. Guido".

Syndi L. Guido
Policy Director

Attachment

cc: Lieutenant Colonel Jeffrey B. Miller
Acting Commissioner
Pennsylvania State Police

Julia A. Morton, Senior Policy Officer
Governor's Policy Office

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 17-63

SUBJECT: Municipal Police Officers' Education & Training Commission --
Administration of the Program

AGENCY: PA STATE POLICE

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
a. With Revisions b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
2/24/03	<i>Judy Sedese</i>	HOUSE COMMITTEE ON JUDICIARY
2/24/03	<i>Jim Mendlow</i>	
2/24	<i>Juan B</i>	SENATE COMMITTEE ON LAW AND JUSTICE
2/24	<i>Betty Lou Cain</i>	
2/24	<i>Elena Pagan</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
2/24/03	<i>Juan Pagan</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)