Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

INDEPENDENT REGULATORY REVIEW COMMISSION

RECEIVED

Independent Regulatory Review Commission

October 28, 2026

IRRC Number**: 3459**

(1) Agency: **Municipal Police Officers' Education and Training Commission**

(2) Agency Number: **17**

Identification Number: **17-89**

(3) PA Code Cite: **37 Pa. Code Chapters 241 and 241a**

(4) Short Title**: Law Enforcement Background Investigations**

(5) Agency Contacts (List Telephone Number and Email Address):

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(6) Type of Rulemaking (check applicable box):

- ☐ Proposed Regulation
- ☒ Final Regulation
- ☐ Final Omitted Regulation
- ☐ Emergency Certification Regulation
- ☐ Certification by the Governor
- ☐ Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The Law Enforcement Background Investigations (Chapter 241a) rulemaking provides a process for the hiring and separation of law enforcement officers by a law enforcement agency, as those two terms are defined in 44 Pa.C.S. § 7302. The regulation addresses confidentiality, agency enrollment, background investigations, separation records, hiring information, submissions, reviews, and amendments. It also provides for the creation of a database to store certain records with the Municipal Police Officers' Education and Training Commission (Commission) and for retention of records by current and previously employing law enforcement agencies. This regulation is in accordance with Act 57 of 2020 (act), codified at 44 Pa.C.S. Chapter 73 §§ 7301-7312 (relating to law enforcement background investigations and employment information) and replaces the expired temporary regulations at 37 Pa. Code Chapter 241.

(8) State the statutory authority for the regulation. Include specific statutory citation.

44 Pa.C.S. § 7312(c) (relating to regulations) provides the Commission with the authority to promulgate regulations necessary to implement the requirements of the act.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is not mandated by federal law but is required pursuant to state law. Specifically, this regulation is being promulgated in accordance with the act.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

This regulation is needed to ensure consistency in the background screening processes of law enforcement agencies throughout the Commonwealth. The regulation sets forth procedures to require the confidentiality of employment information and separation records while also implementing safeguards to ensure the security of the database housing this information. It further provides for the identification and enrollment of law enforcement agencies and sets forth minimum requirements for applicant background investigations. Specific procedures for both reporting to, and obtaining separation records from, the Commission are established. Additionally, procedures are delineated for a law enforcement officer to dispute the contents of a separation record and for a law enforcement agency to either correct or amend a separation record or afford a law enforcement officer the opportunity to file a statement of disagreement with the record.

This regulation will benefit all hiring law enforcement agencies by ensuring information about an applicant's employment history and conduct is documented and available for review. As of July 2026, there were approximately 1,200 law enforcement agencies subject to the requirements of the act. Specifically, the nature of a law enforcement officer's separation from a previously employing law enforcement agency and previous misconduct will provide a prospective employing law enforcement agency with invaluable information about an applicant prior to hiring.

As of July 2026, there were over 41,000 law enforcement officers in the database that will benefit from this regulation by having clear processes for reviewing their separation records and disputing those that they do not believe are accurate.

The increase in background investigation requirements and transparency of hiring practices for law enforcement agencies benefits every resident of Pennsylvania by ensuring proper background checks are being performed before law enforcement officers are hired.

(11) 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 regulations.

No. There are no federal statutes or regulations which cover the areas addressed by the regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Pennsylvania is one of the first states to implement requirements for separation records as set forth in the act; therefore, it is difficult to compare the requirements within the regulation to other states surrounding Pennsylvania. The Commission sought to minimize the effect this will have on Pennsylvania's ability to compete by using electronic filing of the separation record form into the Training and Certification System (TACS) which is free to law enforcement agencies and already used for those employing law enforcement officers subject to the municipal police officer training program requirements at 53 Pa.C.S. Chapter 21, Subchapter D (53 Pa.C.S. §§ 2161—2172), commonly referred to as Act 120. Many states require a minimum level of background check for police certification. These typically include educational history, driving history, employment history, and criminal background checks. *See* New Jersey Administrative Code § 13:1-10.3. The act requires the Commission to set minimum background investigation standards for hiring law enforcement officers. In other states, the background check performed for hiring is a combination of state law and policies set by the hiring law enforcement agency. There are not direct comparisons; however, the Commission believes the regulation contains standards that are common practice in the law enforcement profession throughout the country and are consistent with the requirements Pennsylvania has applied in police officer certification for many years.

The International Association of Directors of Law Enforcement Standards and Training (IADLEST) maintains a National Decertification Index (NDI), consisting of a nationwide database of police officers whose certificate or license has been revoked due to their misconduct. As of July 2026, the NDI currently lists 60,460 records submitted by approximately 12,000 agencies nationwide (143 agencies in Pennsylvania participate). The NDI does not contain revocation records themselves, beyond the creation of an officer-specific entry; direct agency-to-agency follow-up by a prospective employing agency is encouraged by IADLEST to facilitate information exchange. International Association of Directors and Law Enforcement Standards and Training. (https://ndi.iadlest.org/home; last visited July 10, 2026).

It is anticipated this regulation will have minimal impact on Pennsylvania's ability to compete with other jurisdictions in terms of law enforcement officer hiring.

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

No, this regulation will not affect any other regulations of the Commission or other state agencies. The Commission's regulations in 37 Pa. Code Chapter 203 (relating to administration of the program) which apply to law enforcement agencies subject to 53 Pa.C.S. Chapter 21 (relating to employees) also contain background investigation requirements. This regulation contains substantively similar requirements to avoid confusion or unnecessary additional costs to the regulated community.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012).

The regulation is being promulgated in a similar form to the temporary regulation published in the *Pennsylvania Bulletin* in March 2021. Since promulgation of the temporary regulation, the Commission has not received significant comment or feedback from the regulated community or members of the public. The Commission conducted several virtual training sessions which consisted of explanation and demonstration of tasks, processes, and forms, as well as provided an opportunity for members of the regulated community to ask questions and provide feedback.

Furthermore, the regulation contained in this Annex has been authorized by a unanimous vote of the Commission, the membership of which includes (among others) representatives from the public at large, the Pennsylvania Office of Attorney General, the General Assembly, the regulated community (*i.e.*, chiefs and non-commissioned officers of municipal police departments, as well as municipalities having police departments, and training academies), municipalities and the Pennsylvania Lodge of the Fraternal Order of Police.

Commission staff have been contacted by several members of the regulated community (in the form of various employing law enforcement agencies), who expressed concern over costs associated with compliance with the act itself (*e.g.*, they never conducted certain aspects of background investigations now required, such as credit checks), as well as aspects of the regulation (*e.g.*, the best way to determine whether an applicant is prohibited from possessing a firearm). Commission staff were also contacted by counsel with *Cafardi Ferguson Wyrick + Weis*, a law firm representing several law enforcement agencies in Western Pennsylvania.

The rulemaking was published as proposed in the *Pennsylvania Bulletin* on October 11, 2025, at 55 Pa.B. 7114, requesting public comment within 30 days, or by November 10, 2025. The Commission received two comments relating to the rulemaking, one from a private citizen addressing the issues of police officers at private colleges and universities; and one from the New York School of Law Policing Project making various observations and suggestions related to the background check requirements in the rulemaking..

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Law Enforcement Agencies: Over 1,200 law enforcement agencies must conduct background investigations for all potential law enforcement officer hires and will have to query the database prior to employing prospective law enforcement officers. Pursuant to the act, law enforcement agencies will need to provide information to the Commission about all separating law enforcement officers. Furthermore, agencies will be required to release prior employment information when requested to do so as part of another law enforcement agency's background investigation process.

Law Enforcement Officers: Over 41,000 law enforcement officers will have to authorize the release of their prior employment information to be eligible for employment as a law enforcement officer at another law enforcement agency.

Business and Small Businesses: There will be no impact on these entities.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The act applies to "law enforcement agencies" and "law enforcement officers" as those terms are defined in 44 Pa.C.S § 7302. The former is defined as "A law enforcement agency in this Commonwealth that is the employer of a law enforcement officer" and the latter incorporates by referenced the definition of "peace officer" set forth in 18 Pa.C.S. § 501 (defining "peace officer" as "[a]ny person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class.")

The Commission has determined the regulation will at a minimum apply to the following "law enforcement agencies" and their "law enforcement officers," including:

1. The Pennsylvania State Police
2. The Pennsylvania Game Commission
3. The Pennsylvania Department of Conservation and Natural Resources
4. The Pennsylvania Fish and Boat Commission
5. The Pennsylvania Department of Corrections
6. The Pennsylvania Department of Military and Veterans' Affairs
7. The Pennsylvania Office of the State Attorney General
8. The Pennsylvania Office of the Inspector General
9. The Delaware River Port Authority
10. Agencies that employ law enforcement officers certified in accordance with 53 Pa.C.S., Chapter 21, Subchapter D. (relating to municipal police officers' education and training)
11. Agencies that employ law enforcement officers certified in accordance with 44 Pa.C.S. Chapter 74, Subchapter C (relating to sheriff and deputy sheriff education and training).
12. Public agencies that employ law enforcement officers appointed in accordance with Article XIII-C of the Public School Code of 1949 (24 P.S. §§ 13-1301-C—13-1316.1-C), pertaining to school security).

The list of agencies is based on statutory and caselaw research of which agencies the Commission could identify that employ at least one peace officer as defined by 18 Pa.C.S. § 501. The list is not exhaustive, and the act and regulation make clear that all law enforcement agencies must comply. Whether a specific employee of a law enforcement agency is subject to the act is a determination to be made by the employing law enforcement agency based on whether an employee's job duties meet the definition of "law enforcement officer." There is no database identifying the exact number of peace officers in the Commonwealth. However, the Commission estimates that there are 1,200 law enforcement agencies employing over 41,000 law enforcement officers subject to the act.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The regulation will primarily impact individuals who are either seeking employment as a law enforcement officer or who are already so employed by a law enforcement agency. The former will be impacted in that a prospective employing law enforcement agency will now be required to comply with the regulation's minimum background investigation requirements prior to hiring an applicant. (Note: For a law enforcement

agency that is a "police department" as defined in 53 Pa.C.S. § 2162, similar requirements have been in place and the minimum background investigation requirements in the regulation do not impose new requirements.) Costs associated with these individuals are anticipated to be minimal, beyond completing forms required by the act, or Commission regulation. As of July 2026, 1,200 law enforcement agencies and 41,000 law enforcement officers were in the Commission's database.

Likewise, a law enforcement agency will be required to create and maintain "separation records" related to a law enforcement officer's employment, discipline, and separation history. These records, which are open to inspection and dispute by a law enforcement officer, are required by the act to be provided to a prospective employing law enforcement agency and notice also must be given to the Commission for inclusion in an electronic database. Furthermore, a prospective employing law enforcement agency must create a document justifying the hiring and submit it to the Commission if the prospective employing law enforcement agency decides to hire an applicant whose separation record contains final and binding discipline or a criminal conviction for categories of behavior or offenses enumerated in 44 Pa.C.S § 7311 (relating to hiring report). As indicated in blocks 21 and 22, it is anticipated there will be costs to law enforcement agencies at both the state and local level, as part of their compliance with the act and Commission regulation. In 2025, there were a total of 14,037 separation records and 39 hiring reports submitted to the Commission.

Anticipated benefits include, but are not limited to, increased consistency across law enforcement agencies in terms of minimum background investigation requirements conducted prior to hiring an applicant, as well as prospective employing law enforcement agencies having increased access to information concerning a law enforcement officer's discipline history during the hiring process. Not only do prospective employing law enforcement agencies benefit from the ability to have confidence in the background of the law enforcement officers being hired, but the members of the communities they serve benefit by improved accountability and visibility of law enforcement agencies' hiring practices.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

While difficult to quantify as a metric, the overall benefit of the regulation in ensuring integrity and transparency during the law enforcement officer hiring process, outweighs the minimal financial impact of requiring a law enforcement agency to comply with the regulation. Likewise, the record retention and record security requirements were designed to mirror requirements that already exist in state law concerning state or local agencies (*e.g.*, record retention requirements) or state or federal law and policy (*e.g.*, Federal Bureau of Investigation's *Criminal Justice Information Service Security Policy*).

While it is possible some law enforcement agencies that employ law enforcement officers who are not already subject to similar background investigation and hiring requirements may need to implement additional steps in employment background investigations (*e.g.*, not all law enforcement agencies performed credit checks prior to employment), the regulation is designed to mirror existing minimum requirements for "police officers" as that term is defined in 53 Pa.C.S. § 2162 (relating to definitions). These potential hurdles in implementation are outweighed by the increase in the quality of law enforcement officers hired by a law enforcement agency, as well as a reduction in the cost that post-hiring misconduct and disciplinary issues will pose to law enforcement agencies (*e.g.*, post-hire discipline, or firing, for non-disclosed information such as convictions, protection from abuse orders, or other pre-hire conduct undesirable in a law enforcement officer).

(19) 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. Explain how the dollar estimates were derived.

The administrative cost of conducting the background investigation is anticipated to impact approximately less than 11% of law enforcement agencies. The background requirements in the act are consistent with the minimum background requirements of law enforcement agencies subject to 53 Pa.C.S. Chapter 21, except for a new requirement to request separation records from the Commission. This requirement is not anticipated to cause those law enforcement agencies subject to 53 Pa.C.S. Chapter 21, to incur any quantifiable additional costs. Likewise, many law enforcement agencies not subject to 53 Pa.C.S. Chapter 21, such as PSP, already have background investigation standards that exceed the minimum standards set by the act and will not incur any quantifiable additional costs.

The Commission does not anticipate savings for the regulated community of law enforcement officers.

The Commission does not anticipate savings for the regulated community of law enforcement agencies.

Annual costs imposed by the regulation upon law enforcement agencies are anticipated to be approximately $101,138.64 in the aggregate. The costs to law enforcement agencies are anticipated to be limited as law enforcement agencies typically had hiring-related background investigation requirements in place prior to the act. Furthermore, the background investigation requirements set forth in the regulation are substantively similar to the Commission's regulations in 37 Pa. Code Chapter 203 (relating to administration of the program) which were already in place and applied to law enforcement agencies subject to 53 Pa.C.S. Chapter 21 (relating to employees). A law enforcement agency may incur the following costs for processing forms required by the regulation:

Notarization of the hiring report form: $5 per form as set by the Pennsylvania Department of State in 4 Pa. Code § 161.1 (relating to schedule of fees). However, a law enforcement agency or its oversight body may employ a notary public who may waive the fee under 57 Pa.C.S. § 329.1 (relating to fees of notaries public). In 2025, the Commission received 9 hiring report forms resulting in a cost to the regulated community of $45 annually.

Notarization of the waiver form: $5 per form as set by the Pennsylvania Department of State in 4 Pa. Code § 161.1. This form is required when an applicant has been given a conditional offer of employment. The cost of notarizing the waiver form may be borne by the prospective employing law enforcement agency or the applicant. The Commission estimated five applicants completed a waiver form for each offer of employment (equal to the number of separation record requests received by the Commission). In 2025, the Commission received 3,696 requests for separation records from law enforcement agencies. Therefore, the Commission estimates the annual cost to the regulated community related to notarization of waiver forms is $18,480. This cost may be borne by the law enforcement agency or applicant.

Certified mail: A law enforcement agency that submits a corrected or amended separation record must notify the affected law enforcement officer in writing by certified mail. According to the United States Postal Service, in 2025 the cost for certified mail was $5.30 in addition to postage and a stamped letter weighing not more than 1 ounce cost $0.78 to mail. The number of corrected or amended separation records which were not initiated by a law enforcement officer's request is unknown though could not be more than all 16 of the corrected or amended separation records from 2025. At most, this requirement cost the regulated

community $97.28 in 2025. Today, as a result of price increases in the cost of certified mail and postage to $5.55 and $0.82, respectively, that cost would be $101.92.

Credit history check: An employment-related credit history check, on average, costs between $25 to $50 per check. Because this cost is incurred during the background investigation, it is unknown how many applicants a law enforcement agency may process for a vacancy before making an offer of employment. In 2025, the Commission received 3,696 requests for separation records. The number loosely correlates to the number of law enforcement officers offered employment. If an average of five applicants were processed for each offer of employment and the cost of the credit check was $25, the cost to the 11 % of regulated community not already completing the check was approximately $50,820 in 2025.

Driving history check: If the hiring law enforcement agency is not considered a law enforcement agency for the purposes of access to driver history information, the law enforcement agency will have to complete Pennsylvania Department of Transportation form DL 503, Request for Driver Information. The cost for a full driver history is $15 and the form must be notarized which costs $5 per form. The form can be processed electronically without need for postage. The cost of obtaining a driving history from other states varies. The Commission anticipates most, if not all, law enforcement agencies have free access to driving history information. No significant costs are anticipated to the regulated community for this requirement.

Criminal history check: If the hiring law enforcement agency is not considered a criminal justice agency under 18 Pa.C.S., Chapter 91 (relating to criminal history record information), the law enforcement agency will have to complete an employment-related criminal history request. IDEMIA conducts fingerprint-based criminal history processing for $21.95. The Commission anticipates most, if not all, law enforcement agencies have free access to criminal history information. No significant costs are anticipated to the regulated community for this requirement.

Administrative costs: Each law enforcement agency will process the administrative tasks of the act differently based on many factors such as the number vacancies, how often vacancies are filled, whether a background investigation is outsourced to a private entity, and how often law enforcement officers separate. For smaller law enforcement agencies with little employee turnover, the tasks of separation and background investigations will have limited financial impact. Larger agencies will have more financial impact from the tasks of separation and background investigations. Due these fluctuations, the Commission is unable to accurately estimate these costs, but the following information pertains to the Pennsylvania State Police (PSP) and illustrates costs to that agency:

Separation tasks in one of the largest law enforcement agencies subject to the act, the Pennsylvania State Police (PSP), are conducted by two Human Resource Analysts. The required tasks are completed every 2 weeks and require, on average, a combined 5 hours per month. At a minimum hourly rate of $25.48 per hour, the cost to the PSP is approximately $3,057.60 per year. In 2025, 143 troopers separated from the PSP resulting in an approximate cost of $10.69 per separation for separation tasks related to submission of separation records under the act. If this cost-per-record is applicable to all separation records submitted by law enforcement agencies, the estimated cost to the regulated community for processing 2,944 separation records in 2025 was $31,471.36.

Entry tasks at PSP are conducted by one Human Resource Analyst and one Human Resource Assistant. This task consists of checking the Commission's separation database three times a year for each PSP cadet and liquor enforcement officer trainees class, and requires on average 5 hours per period. At a combined minimum hourly rate of $63.88 per hour, the cost to PSP for this task in 2025 was approximately $958.20.

A law enforcement officer may inspect their separation records maintained by the employing law enforcement agency, request a correction of the separation record, or file a statement of disagreement which must be maintained with the separation records. This process will require a law enforcement agency to devote administrative time but due to the highly individualized circumstances of the requesting law enforcement officer's record and request, it is not possible for the Commission to arrive at a cost estimate.

A law enforcement officer may use the waiver form to review separation records maintained by the Commission. As noted above, notarization of the waiver form is $5 per form as set by the Pennsylvania Department of State in 4 Pa. Code § 161.1. In 2025, 45 waiver forms were completed by law enforcement officers resulting in a cost of approximately $225 to the regulated community composed of law enforcement officers.

There are no fees or charges imposed by the Commission related to the act.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

It should be noted that there is overlap between the regulated community comprised of law enforcement agencies described above as local governments fund many of the law enforcement agencies affected by the act.

The Commission does not anticipate savings for local governments.

The costs to local governments for the regulation are anticipated to be minimal since law enforcement agencies at the local (municipal) government level typically had hiring-related background investigation requirements in place prior to effective date of the act. Furthermore, the background investigation requirements set forth in the regulation are substantively similar to the Commission's regulations in 37 Pa. Code Chapter 203 (relating to administration of the program) which were already in place and applied to law enforcement agencies subject to 53 Pa.C.S. Chapter 21 (relating to employees). In other words, municipalities with their own police departments have already been complying with similar background investigation-related requirements for over 2 decades.

However, compliance with the regulations will require some law enforcement agencies to implement additional hiring background investigation requirements. For example, feedback given to Commission Staff during implementation by several local law enforcement agencies indicated not all law enforcement agencies performed credit checks on an applicant, and those will now need to be performed. Likewise, certain forms require notarization and, assuming no notary is on staff with the law enforcement agency or its oversight body, a $5.00 fee per notarization may apply. However, Commission staff estimates local governments make up 78% of the oversight bodies for law enforcement agencies making the annual cost to local governments to be $78,888.14, though this amount is not in addition to the annual cost to law enforcement agencies or state government. The Commission estimates this apportioned amount based on the following:

Notarization of the hiring report form: $5 per form as set by the Pennsylvania Department of State in 4 Pa. Code § 161.1 (relating to schedule of fees). However, a law enforcement agency or its oversight body may employ a notary public who may waive the fee under 57 Pa.C.S. § 329.1 (relating to fees of notaries public). In 2025, the Commission received 9 hiring report forms resulting in a cost to the regulated community of $45 annually.

Notarization of the waiver form: $5 per form as set by the Pennsylvania Department of State in 4 Pa. Code § 161.1. This form is required when an applicant has been given a conditional offer of employment. (equal to the number of separation record requests received by the Commission). In 2025, the Commission received 3,696 requests for separation records from law enforcement agencies, presumably immediately before a conditional offer of employment was tendered. Therefore, the Commission estimates the annual cost to the regulated community related to notarization of waiver forms is $18,480. This cost may be borne by the law enforcement agency or applicant.

Certified mail: A law enforcement agency that submits a corrected or amended separation record must notify the affected law enforcement officer in writing by certified mail. According to the United States Postal Service, in 2025 the cost for certified mail was $5.30 in addition to postage and a stamped letter weighing not more than 1 ounce cost $0.78 to mail. The number of corrected or amended separation records which were not initiated by a law enforcement officer's request is unknown though could not be more than all 16 of the corrected or amended separation records from 2025. At most, this requirement cost the regulated community $97.28 in 2025. Today, as a result of price increases in the cost of certified mail and postage to $5.55 and $0.82, respectively, that cost would be $101.92.

Credit history check: An employment-related credit history check, on average, costs between $25 to $50 per check. Because this cost is incurred during the background investigation, it is unknown how many applicants a law enforcement agency may process for a vacancy before making an offer of employment. In 2025, the Commission received 3,696 requests for separation records. The number loosely correlates to the number of law enforcement officers offered employment. If an average of five applicants were processed for each offer of employment and the cost of the credit check was $25, the cost to the 11 % of regulated community not already completing the check was approximately $50,820 in 2025.

Driving history check: If the hiring law enforcement agency is not considered a law enforcement agency for the purposes of access to driver history information, the law enforcement agency will have to complete Pennsylvania Department of Transportation form DL 503, Request for Driver Information. The cost for a full driver history is $15 and the form must be notarized which costs $5 per form. The form can be processed electronically without need for postage. The cost of obtaining a driving history from other states varies. The Commission anticipates most, if not all, law enforcement agencies have free access to driving history information. No significant costs are anticipated to the regulated community for this requirement.

Criminal history check: If the hiring law enforcement agency is not considered a criminal justice agency under 18 Pa.C.S., Chapter 91 (relating to criminal history record information), the law enforcement agency will have to complete an employment-related criminal history request. IDEMIA conducts fingerprint-based criminal history processing for $21.95. The Commission anticipates most, if not all, law enforcement agencies have free access to criminal history information. No significant costs are anticipated to the regulated community for this requirement.

Administrative costs: Each law enforcement agency will process the administrative tasks of the act differently based on many factors such as the number vacancies, how often vacancies are filled, whether a background investigation is outsourced to a private entity, and how often law enforcement officers separate. For smaller law enforcement agencies with little employee turnover, the tasks of separation and background investigations will have limited financial impact. Larger agencies will have more financial impact from the tasks of separation and background investigations.

Separation tasks in one of the largest law enforcement agencies subject to the act, the Pennsylvania State Police (PSP), are conducted by two Human Resource Analysts. The required tasks are completed every 2 weeks and require, on average, a combined 5 hours per month. At a minimum hourly rate of $25.48 per hour, the cost to the PSP is approximately $1,528 per year. In 2025, 143 troopers separated from the PSP resulting in an approximate cost of $10.69 per separation for submission of PSP separation records under the act. If this cost-per-record is applicable to all separation records submitted by law enforcement agencies, the cost to the regulated community for processing and submitting 2,944 separation records in 2025 was $31,471.36.

The administrative cost of conducting the background investigation is anticipated to impact approximately less than 11% of law enforcement agencies. The background requirements in the act are consistent with the minimum background requirements of law enforcement agencies subject to 53 Pa.C.S. Chapter 21 (relating to employees), except for a new requirement to request separation records from the Commission. This requirement is not anticipated to cause those law enforcement agencies subject to 53 Pa.C.S. Chapter 21 to incur any quantifiable additional costs. Likewise, many law enforcement agencies not subject to 53 Pa.C.S. Chapter 21, such as PSP, already have background investigation standards that exceed the minimum standards set by the act and will not incur any quantifiable additional costs.

Further, the administrative work required of law enforcement agencies to comply with the act, *e.g.*, creation and retention of separation records, exchange of information with prospective employing law enforcement agencies, submission of records to the Commission, will impose administrative costs on a law enforcement agency and as a result the local governments that comprise their oversight bodies in terms of time spent by employees performing those duties. Since those costs are agency dependent in terms of salary, job classification and volume of hiring and record creation rates, it is not possible for the Commission to estimate these costs.

There are no fees or charges imposed by the Commission related to the act.

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

The Commission does not anticipate savings for state government.

The costs to state government for the regulation are anticipated to be $22,250.50 annually though this amount is not in addition to the annual cost to law enforcement agencies or local government since state-level law enforcement agencies typically had hiring-related background investigation requirements in place prior to the effective date of the act and it is anticipated the minimum standards set forth in the regulation will require few to no additional investigative steps by state-level law enforcement agencies. No state agency employing or hiring law enforcement officers contacted the Commission regarding requirements as a result of the act. The Commission estimates this apportioned amount based on the following:

Notarization of the hiring report form: $5 per form as set by the Department of State in 4 Pa. Code § 161.1 (relating to schedule of fees). However, a law enforcement agency or its oversight body may employ a notary public who may waive the fee under 57 Pa.C.S. § 329.1 (relating to fees of notaries public). In 2025, the commission received 9 hiring report forms resulting in a cost to the regulated community of $45 annually.

Notarization of the waiver form: $5 per form as set by the Department of State in 4 Pa. Code § 161.1. This form is required when an applicant has been given a conditional offer of employment. The cost of notarizing the waiver form may be borne by the prospective employing law enforcement agency or the applicant. The commission estimated five applicants completed a waiver form for each offer of employment (equal to the number of separation record requests received by the commission). In 2025, the commission received 3,696 requests for separation records from law enforcement agencies. Therefore, the commission estimates the annual cost to the regulated community related to the notarization of waiver forms is $18,480. This cost may be borne by the law enforcement agency or applicant.

Certified mail: A law enforcement agency that submits a corrected or amended separation record must notify the affected law enforcement officer in writing by certified mail. According to the United States Postal Service, in 2025 the cost for certified mail was $5.30 in addition to postage and a stamped letter weighing not more than 1 ounce cost $0.78 to mail. The number of corrected or amended separation records which were not initiated by a law enforcement officer's request is unknown though could not be more than all 16 of the corrected or amended separation records from 2025. At most, this requirement cost the regulated community $97.28 in 2025. Today, as a result of price increases in the cost of certified mail and postage to $5.55 and $0.82, respectively, that cost would be $101.92.

Credit history check: An employment-related credit history check, on average, costs between $25 to $50 per check. Because this cost is incurred during the background investigation, it is unknown how many applicants a law enforcement agency may process for a vacancy before making an offer of employment. In 2025, the Commission received 3,696 requests for separation records. The number loosely correlates to the number of law enforcement officers offered employment. If an average of five applicants were processed for each offer of employment and the cost of the credit check was $25, the cost to the 11 % of regulated community not already completing the check was approximately $50,820 in 2025.

Driving history check: If the hiring law enforcement agency is not considered a law enforcement agency for the purposes of access to driver history information, the law enforcement agency will have to complete Department of Transportation form DL 503, Request for Driver Information. The cost for a full driver history is $15 and the form must be notarized, which costs $5 per form. The form can be processed electronically without need for postage. The cost of obtaining a driving history from other states varies. The commission anticipates most, if not all, law enforcement agencies have free access to driving history information. No significant costs are anticipated to the regulated community for this requirement.

Criminal history check: If the hiring law enforcement agency is not considered a criminal justice agency under 18 Pa.C.S. Chapter 91 (relating to criminal history record information), the law enforcement agency will have to complete an employment-related criminal history request. IDEMIA conducts fingerprint-based criminal history processing for $21.95. The commission anticipates most, if not all, law enforcement agencies have free access to criminal history information. No significant costs are anticipated to the regulated community for this requirement.

Administrative costs: Each law enforcement agency will process the administrative tasks of the act differently based on many factors such as the number of vacancies, how often vacancies are filled, whether a background investigation is outsourced to a private entity and how often law enforcement officers separate. For smaller law enforcement agencies with little employee turnover, the tasks of separation and background investigations will have limited financial impact. Larger agencies will have more financial impact from the tasks of separation and background investigations.

The administrative cost of conducting the background investigation is not anticipated to impact state agencies as state-funded law enforcement agencies have background investigation standards that exceed the minimum standards set by the act and will not incur any quantifiable additional costs.

Likewise, the administrative work required of law enforcement agencies to comply with the act, including creation and retention of separation records, exchange of information with prospective employing law enforcement agencies, and submission of records to the Commission, will impose administrative costs on a law enforcement agency in terms of time spent by employees performing those duties. Since those costs are agency dependent in terms of salary, job classification and volume of hiring and record creation rates, it is not possible for the Commission to estimate these costs with 100% accuracy but it can supply information regarding the PSP.

However, separation tasks in one of the largest law enforcement agencies subject to the act, the PSP, are conducted by two Human Resource Analysts. This task consists of reviewing and submitting separation records to the Commission and is completed every 2 weeks and requires, on average, a combined 5 hours per month. At a minimum hourly rate of $25.48 per hour, the cost to the PSP is approximately $3,057.60 per year. In 2025, 143 troopers separated from the PSP resulting in an approximate cost of $10.69 per separation for separation tasks related to submission of separation records under the act. If this cost-per-record is applicable to all separation records submitted by law enforcement agencies, the estimated cost to the regulated community for processing 2,944 separation records in 2025 was $31,471.36.

Likewise, entry tasks at PSP are conducted by one Human Resource Analyst and one Human Resource Assistant. This task consists of checking the Commission's separation database three times a year for each PSP cadet and liquor enforcement officer trainees class, and requires on average 5 hours per period. At a combined minimum hourly rate of $63.88 per hour, the cost to PSP for this task in 2025 was approximately $958.20.

There are no fees or charges imposed by the Commission related to the act.

The rulemaking will have minimal cost impact on the Commission. Changes to Commission computer systems needed to implement the act were covered under pre-existing vendor contracts. Two Pennsylvania State Police (PSP) employees are assigned to Commission staff to perform administrative tasks related to the act and spend approximately 20% of their time doing so. Likewise, other Commission staff members, *e.g.*, Executive Director, Director of Certification, spend a *de minimis* amount of time dealing with issues related to the act. Costs associated with these duties were absorbed within the PSP's pre-existing appropriations.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Law enforcement officers will be able to view their separation records maintained in the database by submitting a form promulgated pursuant to the regulation. Law enforcement agencies are not necessarily expected to require additional legal, accounting, or consulting procedures to comply with the regulation, but there is no impediment to a law enforcement agency creating an administrative process provided the requirements of the act and regulation are met.

Furthermore, law enforcement agencies will not be expected to create and maintain separate retention schedules for records related to the act, and instead are directed to continue to adhere to existing record retention schedules for employment records.

In terms of forms, law enforcement agencies may be required to submit up to six different forms to comply with the regulation, including requesting previous employment records, submitting separation records, and responding to requests from law enforcement officers who challenge the Separation Record submitted by the employing law enforcement agency. Applicants for employment will be required to execute a Waiver form for use by a prospective employing law enforcement agency, and that law enforcement agency will be required to submit the Waiver form, along with an Authorization and Release Form when requesting information from either the Commission or an applicant's past employing law enforcement agency.

In terms of process, the Commission's regulatory procedures were designed to allow employing law enforcement agencies to maintain employment and separation records onsite in accordance with applicable existing retention schedules and administrative structure and to submit only the required forms to the Commission's database. While submission of these forms does require manual uploading of scanned forms into the Commission's electronic database, this process has been designed to require minimal computer competency to complete.

These forms mentioned in these procedures are identified in Block 22(a), below.

(22a) Are forms required for implementation of the regulation?

Yes. The Commission has created the following forms for purposes of implementation of the act:

- LE-001 (Separation Record Form)
- LE-002 (Authorization and Release Form)
- LE-003 (Waiver Form)
- LE-004 (Correction Request Form)
- LE-005 (Hiring Report Form)
- LE-006 (Agency Onboarding Form)

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

The forms are available in PDF format on the Commission's public-facing website located at https*://* *www.pa.gov/agencies/mpoetc/resources/mpoetc-forms-library.html. The forms are also attached to this form as required.*

(23) In the table below, provide an estimate of the fiscal savings and costs 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	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Local Government	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
State Government	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Total Savings	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
COSTS:						
Regulated Community	$101,138	$101,138	$101,138	$101,138	$101,138	$101,138
Local Government	$78,888	$78,888	$78,888	$78,888	$78,888	$78,888
State Government	$22,250	$22,250	$22,250	$22,250	$22,250	$22,250
Total Costs	$101,138	$101,138	$101,138	$101,138	$101,138	$101,138
REVENUE LOSSES:						
Regulated Community	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Local Government	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
State Government	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Total Revenue Losses	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

(23a) Provide the past three year expenditure history for programs affected by the regulation.

(Note: The Applicable Fiscal Year runs July 1st through June 30th)

Program	FY -3	FY -2	FY -1	Current FY
Municipal Police Training	***$2,506,887.09***	***$2,111,286.27***	***$3,207,042.96***	***$2,181,861.17***

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.
(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
(c) A statement of probable effect on impacted small businesses.
(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

This regulation does not impact "small businesses."

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

No special provisions have been developed to meet the particular needs of affected groups or persons, because this is a rulemaking required by statute and it affects public health and safety.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The least burdensome means were adopted, and the regulation was drafted to have minimal impact on the regulated community, while still ensuring the requirements of the act were met. The forms are designed to contain all the information needed to comply with the act and the Commission's electronic database allows for ease of submission and accessibility. The Commission proposes to require background investigation requirements that are consistent with the background investigation requirements that have been applicable to "police departments" and "police officers" pursuant to 53 Pa.C.S. § 2162 for two decades. These requirements are the accepted standard in law enforcement in Pennsylvania. This allows for consistency and avoids confusion between two sets of background investigation requirements that could be required for police officers. It also applies accepted standards to "peace officers" that were not previously subject to the requirements of 53 Pa.C.S. § 2162. Additionally, retention and security requirements for separation records are based on existing retention and policies already applicable to government and law enforcement agencies.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

a) The establishment of less stringent compliance or reporting requirements for small businesses;
b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
c) The consolidation or simplification of compliance or reporting requirements for small businesses;
d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The regulation does not impact small businesses and these considerations do not apply.

(28) If data is the basis for this regulation, please provide a description of the data, explain <u>in detail</u> how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other

data was considered but not used, please explain why that data was determined not to be acceptable.

Data does not specifically form the basis for this regulation. The regulation is based on policy and law, to address a need identified by the General Assembly to further ensure consistency of hiring-related background investigation by law enforcement agencies.

(29) Include a schedule for review of the regulation including:

A. The length of the public comment period:	30 days
B. The date or dates on which any public meetings or hearings will be held:	None
C. The expected date of delivery of the final-form regulation:	Fall 2026
D. The expected effective date of the final-form regulation:	Upon publication as final rulemaking
E. The expected date by which compliance with the final-form regulation will be required:	Upon publication as final rulemaking
F. The expected date by which required permits, licenses or other approvals must be obtained:	Not applicable

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Commission, via Commission staff, as well as the Pennsylvania State Police Policy and Legislative Affairs Office are continually assessing the regulations for evolving impacts and will continue to do so moving forward.

LE-001 (1/2021)

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
8002 Bretz Drive
Harrisburg, Pennsylvania 17112-9748
http://www.psp.pa.gov/MPOETC

SEPARATION RECORD FORM

SEPARATING LAW ENFORCEMENT OFFICER

OFFICER LAST NAME	OFFICER FIRST NAME	MIDDLE INITIAL

SOCIAL SECURITY NUMBER	DATE OF BIRTH	DRIVERS LICENSE NUMBER

DETAILS OF SEPARATION

DATE OF HIRE	DATE OF SEPARATION

AGENCY NAME	CITY/BORO	STATE	ZIP CODE

TYPE OF SEPARATION:

☐ TERMINATION ☐ RESIGNATION ☐ RETIREMENT ☐ DECEASED (NO FURTHER INFORMATION REQUIRED)

CIRCUMSTANCES AND/OR REASONS FOR SEPARATION INCLUDE THE FOLLOWING (IF APPLICABLE):

☐ DISCIPLINARY RECORD ☐ CIVIL AND/OR ETHICAL COMPLAINTS ☐ CRIMINAL CHARGES AND/OR CONVICTION

CONDITIONS OF SEPARATION ARE SEALED BY A COURT ORDER OR OTHER NON-DISCLOSURE ORDER AS NOTED BELOW:

COUNTY _____ CASE NUMBER _____

HIRING REPORT REQUIREMENTS

EMPLOYMENT RECORD RETAINED BY AGENCY INDICATES FINAL AND BINDING DISCIPLINARY ACTION OR CONVICTION FOR THE FOLLOWING CONDITIONS:

☐ EXCESSIVE FORCE ☐ HARASSMENT ☐ THEFT ☐ DISCRIMINATION

☐ SEXUAL ABUSE ☐ SEXUAL MISCONDUCT ☐ DOMESTIC VIOLENCE ☐ COERCION OF A FALSE CONFESSION

☐ FILING A FALSE REPORT ☐ JUDICIAL FINDING OF DISHONESTY

AUTHORIZATION AND APPROVAL

I hereby certify the information contained on this form is true and correct and is consistent with the requirements of 44 Pa. C.S., Chapter 73 (relating to law enforcement background investigations and employment information). I am signing this document with the full understanding that providing false information will subject me to criminal penalties in 18 Pa. C.S., § 4904 (relating to unsworn falsification to authorities) and may subject me to civil liability as described in 44 Pa. C.S., Chapter 73.

NAME OF HEAD OF LAW ENFORCEMENT AGENCY OR (IF APPLICABLE) AUTHORIZED REPRESENTATIVE SUBMITTING THIS FORM

SIGNATURE	DATE

LE-002 (1/2021)

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
8002 Bretz Drive
Harrisburg, Pennsylvania 17112-9748
http://www.psp.pa.gov/MPOETC

AUTHORIZATION AND RELEASE FORM

REQUEST FOR EMPLOYMENT INFORMATION

The release of Employment Information to a prospective employing law enforcement agency during a background investigation is authorized by 44 Pa. C.S., Chapter 73 (relating to law enforcement background investigations and employment information). Requests for employment information must be in writing, accompanied by an original Authorization and Release Form signed by an applicant and an authorized representative of the law enforcement agency.

OFFICER LAST NAME	OFFICER FIRST NAME	OFFICER MIDDLE NAME/INITIAL	TELEPHONE	
OFFICER MAILING ADDRESS		CITY/BORO	STATE	ZIP CODE
OFFICER SSN		OFFICER DATE OF BIRTH	OFFICER DRIVERS LICENSE NUMBER	

REQUESTOR

LAW ENFORCEMENT AGENCY NAME	SIGNATURE OF AGENCY HEAD OR REPRESENTATIVE		
AGENCY ADDRESS	CITY/BORO	STATE	ZIP CODE

AUTHORIZATION TO RELEASE RECORDS

I hereby authorize the law enforcement agencies listed below to release ALL employment and separation records related to my previous employment as a law enforcement officer to the requester as required in 44 Pa. C.S., Chapter 73.

AGENCY NAME _____

AGENCY NAME _____

AGENCY NAME _____

I hereby authorize the law enforcement agencies listed below to release ONLY those employment and separation records which are NOT protected by a confidentiality or non-disclosure agreement related to my previous employment as a law enforcement officer to the requester as required in 44 Pa. C.S., Chapter 73.

AGENCY NAME _____

OFFICER SIGNATURE	DATE
WITNESS SIGNATURE	DATE
WITNESS PRINTED NAME	TITLE

LE-003 (10/2024)

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
8002 Bretz Drive
Harrisburg, Pennsylvania 17112-9748
http://www.psp.pa.gov/MPOETC

WAIVER FORM

REQUEST FOR SEPARATION RECORDS

The release of Separation Records to a prospective employing law enforcement agency when a conditional offer of employment has been made or to a law enforcement officer requesting their own record is authorized by 44 Pa. C.S., Chapter 73 (relating to law enforcement background investigations and employment information). Requests for separation records must be in writing, accompanied by a Waiver Form signed by the applicant and an authorized representative of the law enforcement agency. A request by an officer for their records do not require an agency signature.

APPLCANT LAST NAME	APPLICANT FIRST NAME	APPLICANT MIDDLE NAME/INITIAL	TELEPHONE	
APPLICANT MAILING ADDRESS		CITY/BORO	STATE	ZIP CODE
APPLICANT SSN	APPLICANT DATE OF BIRTH	APPLICANT DRIVERS LICENSE NUMBER		

REQUESTOR

☐ SELF ☐ PROSPECTIVE EMPLOYING LAW ENFORCEMENT AGENCY (MUST PROVIDE DATE OF HIRE OR DATE EMPLOYMENT WAS OFFERED)	DATE OF HIRE/OFFER OF EMPLOYMENT

LAW ENFORCEMENT AGENCY NAME (OR BLANK FOR SELF)	SIGNATURE OF AGENCY HEAD OR REPRESENTATIVE	PRINT NAME OF AGENCY HEAD OR REPRESENTATIVE		
AGENCY ADDRESS		CITY/BORO	STATE	ZIP CODE

AUTHORIZATION TO RELEASE RECORDS

I hereby authorize the Municipal Police Officers' Education and Training Commission to release to the requestor all records retained by the Commission regarding my current or former employment as a law enforcement officer.

APPLICANT SIGNATURE	DATE

COUNTY OF _____

On this, the _____ day of _____, _____ before me, _____,

the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name and signature appear above, and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

_____

Notary Public

Printed Name: _____

My Commission Expires: _____

LE-004 (1/2021)

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

8002 Bretz Drive
Harrisburg, Pennsylvania 17112-9748
http://www.psp.pa.gov/MPOETC

CORRECTION REQUEST FORM

This form is to be used by a law enforcement officer seeking changes to separation records.

CONTACT INFORMATION

OFFICER LAST NAME	OFFICER FIRST NAME	OFFICER MIDDLE NAME/INITIAL	TELEPHONE	
OFFICER MAILING ADDRESS		CITY/BORO	STATE	ZIP CODE
OFFICER EMAIL		OFFICER SSN	OFFICER DATE OF BIRTH	

LAW ENFORCEMENT AGENCY NAME			TELEPHONE	
AGENCY ADDRESS		CITY/BORO	STATE	ZIP CODE
EMPLOYMENT START DATE		SEPARATION DATE		

As authorized in 44 Pa. C.S., Chapter 73 (relating to law enforcement background investigations and employment information), I have reviewed my Separation Record, filed with the Municipal Police Officers' Education and Training Commission (MPOETC), for the period of employment listed above. As authorized in Section 7308(c), I request this record be amended as described below. I further request the law enforcement agency referenced above return this form to me indicating if the requested changes will be made to the Separation Record on file at MPOETC.

TYPE OF CORRECTION/REMOVAL

☐ DATES OF EMPLOYMENT ☐ TYPE OF SEPARATION ☐ CIRCUMSTANCES OF SEPARATION ☐ HIRING REPORT REQUIREMENTS

DETAILS OF REQUESTED CORRECTION/REMOVAL:

SIGNATURE OF OFFICER	DATE

LAW ENFORCEMENT AGENCY RESPONSE

LAW ENFORCEMENT AGENCY MUST COMPLETE THIS SECTION AND RETURN THIS FORM TO THE REQUESTOR.
IF THE RECORD WILL BE CHANGED, INCLUDE A COPY OF THIS FORM WITH THE AMENDED SEPARATION RECORD FORM.

☐ The record WILL be amended. ☐ The record WILL NOT be amended.

REASONS FOR CORRECTION/REMOVAL OF RECORDS/REFUSAL:

PRINTED NAME OF LAW ENFORCEMENT AGENCY REPRESENTATIVE	TITLE
SIGNATURE OF LAW ENFORCEMENT AGENCY REPRESENTATIVE	DATE

OFFICER'S WRITTEN STATEMENT OF DISAGREEMENT

OFFICERS MAY SUBMIT A STATEMENT TO REMAIN ON FILE WITH MPOETC EXPLAINING THEIR POSITION AND THE BASIS FOR THEIR DISAGREEMENT WITH DEPARTMENTAL SEPARATION RECORDS FILED WITH MPOETC. WRITTEN STATEMENTS MUST BE ACCOMPANIED BY THIS COMPLETED FORM IAW 7308(c)(2).

WRITTEN STATEMENT (MAY CONTINUE ON ADDITIONAL PAGES AS REQUIRED, BUT MAY NOT INCLUDE ATTACHMENTS OTHER THAN THE WRITTEN STATEMENT):

PRINTED NAME OF LAW ENFORCEMENT OFFICER	ADDITONAL PAGES ATTACHED: ◯ YES ◯ NO
SIGNATURE OF LAW ENFORCEMENT OFFICER	DATE

LE-005 (1/2021)

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
8002 Bretz Drive
Harrisburg, Pennsylvania 17112-9748
http://www.psp.pa.gov/MPOETC

HIRING REPORT FORM

LAW ENFORCEMENT OFFICER

OFFICER LAST NAME	OFFICER FIRST NAME	OFFICER MIDDLE NAME/INITIAL	OFFICER TACS-ID/MPOETC NUMBER

OFFICER SSN	OFFICER DATE OF BIRTH	OFFICER DRIVERS LICENSE NUMBER

LAW ENFORCEMENT AGENCY

LAW ENFORCEMENT AGENCY NAME			TELEPHONE
AGENCY ADDRESS	**CITY/BORO**	**STATE**	**ZIP CODE**
AGENCY TACS-ID NUMBER	**DATE OF HIRE**		

HIRING REPORT REQUIREMENTS

SEPARATION RECORDS OBTAINED DURING BACKGROUND INVESTIGATION INDICATE THE FOLLOWING CONDITIONS REQUIRING A HIRING REPORT:

- ☐ EXCESSIVE FORCE
- ☐ HARASSMENT
- ☐ THEFT
- ☐ DISCRIMINATION
- ☐ SEXUAL ABUSE
- ☐ SEXUAL MISCONDUCT
- ☐ DOMESTIC VIOLENCE
- ☐ COERCION OF A FALSE CONFESSION
- ☐ FILING A FALSE REPORT
- ☐ JUDICIAL FINDING OF DISHONESTY

HIRING EXPLANATION

REASONS FOR HIRING APPLICANT (MAY CONTINUE ON ADDITIONAL PAGES AS REQUIRED, BUT MAY NOT INCLUDE ATTACHMENTS OTHER THAN THE WRITTEN STATEMENT):

AUTHORIZATION AND APPROVAL

I hereby certify the information contained on this form is true and correct and is consistent with the requirements 44 Pa. C.S., Chapter 73 (relating to law enforcement background investigations and employment information). I am signing this document with the full understanding that providing false information will subject me to criminal penalties in Pa. C.S. 18 § 4904 (relating to unsworn falsification to authorities) and may subject me to civil liability as described in 44 Pa. C.S., Chapter 73.

NAME OF HEAD OF LAW ENFORCEMENT AGENCY OR (IF APPLICABLE) AUTHORIZED REPRESENTATIVE SUBMITTING THIS FORM

SIGNATURE	DATE

COUNTY OF _____

On this, the _____ day of _____, _____ before me, _____,

the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name and signature appear above, and acknowledged that they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

_____

Notary Public

Printed Name: _____

My Commission Expires: _____

(11/2020)

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION
8002 Bretz Drive
Harrisburg, Pennsylvania 17112-9748
http://www.psp.pa.gov/MPOETC

AGENCY ONBOARDING FORM

THIS SURVEY IS TO BE USED BY LAW ENFORCEMENT AGENCIES REQUESTING ENROLLMENT IN AND ACCESS TO THE MPOETC DATABASE

LAW ENFORCEMENT AGENCY DETAILS

MUST PROVIDE ALL REQUESTED INFORMATION TO BE ENROLLED IN DATABASE

AGENCY NAME	AGENCY TYPE (STATE, COUNTY, MUNICIPAL, SCHOOL, OTHER)
AGENCY EMAIL	AGENCY PHONE
PHYSICAL (STREET) ADDRESS	CITY
PRIMARY ORI	FEDERAL EMPLOYER ID NUMBER
NUMBER OF SWORN LAW ENFORCEMENT OFFICERS	

HEAD OF AGENCY DETAILS

PROVIDE INFORMATION FOR CHIEF OR HEAD OF AGENCY AUTHORIZED TO MAKE DECISIONS FOR THIS AGENCY

LAST NAME	FIRST NAME
EMAIL	PHONE NUMBER

PRIMARY TACS ADMIN DETAILS

PROVIDE INFORMATION FOR THE PRIMARY INDIVIDUAL AUTHORIZED TO ENTER INFORMATION INTO AND RETRIEVE INFORMATION FROM THE MPOETC DATABASE

LAST NAME	FIRST NAME
EMAIL	PHONE NUMBER

ALTERNATE TACS ADMIN DETAILS

PROVIDE INFORMATION FOR AN ALTERNATE INDIVIDUAL AUTHORIZED TO ENTER INFORMATION INTO AND RETRIEVE INFORMATION FROM THE MPOETC DATABASE

LAST NAME	FIRST NAME
EMAIL	PHONE NUMBER

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

October 28, 2026

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General	Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:	Copy below is hereby approved as to form and legality. Executive or Independent Agencies.
BY: _____ (DEPUTY ATTORNEY GENERAL)	Municipal Police Officer's Education and Training Commission (AGENCY)	BY: Cynthia K Montz Deputy General Counsel
_____ DATE OF APPROVAL	DOCUMENT/FISCAL NOTE NO. 17-89 DATE OF ADOPTION: 6/17/26 BY: George L Bivens Lt. Colonel George L. Bivens TITLE Chairman (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)	October 26, 2026 DATE OF APPROVAL
☐ Check if applicable Copy not approved. Objections attached.		☐ ~~(Chief Counsel, Independent Agency)~~ (Strike inapplicable title) Check if applicable. No Attorney General approval or objection within 30 days after submission.

NOTICE OF FINAL RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

TITLE 37 PA CODE CHAPTERS 241 (Reserved) and 241a

§§ 241a.1 – 241a.12

LAW ENFORCEMENT BACKGROUND INVESTIGATIONS

RULES AND REGULATIONS

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CHS. 241 AND 241a]

Law Enforcement Background Investigations

The Municipal Police Officers' Education and Training Commission (commission) promulgates permanent regulations in Chapter 241a (relating to law enforcement background investigations) by replacing the expired temporary regulations in Chapter 241 (relating to law enforcement background investigations—temporary regulations). The permanent regulations are set forth in Annex A.

Effective Date

This rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

This rulemaking is authorized under 44 Pa.C.S. § 7312(c) (relating to regulations) which sets forth the commission's general rulemaking authority concerning the act of July 14, 2020 (P.L. 613, No. 57) (act), codified at 44 Pa.C.S. Chapter 73 (relating to law enforcement background investigations and employment information). Specifically, the provisions of 44 Pa.C.S. § 7312 require the commission to promulgate regulations regarding the following topics:

1. Procedures to guarantee the confidentiality of employment information and separation records.

2. Procedures to guarantee the security of the database.

3. Reportable disciplinary actions and criminal conduct falling within the scope of 44 Pa.C.S. § 7311 (relating to hiring report).

4. Other procedures deemed necessary by the commission for implementation of the chapter.

Purpose and Background

The purpose of this rulemaking is to implement the provisions of 44 Pa.C.S. Chapter 73 . Under 44 Pa.C.S. § 7312(a), the commission promulgated temporary regulations at 51 Pa.B. 1136 (March 6, 2021), effective July 14, 2021, to facilitate prompt implementation of the act. Under 44 Pa.C.S. § 7312(a), the temporary regulations expired 2 years after their effective date and will be reserved as part of this rulemaking.

Summary of Comments and Commission's Response

The proposed rulemaking was published at 55 Pa.B. 7114 (October 11, 2025), for 30 days of public comment. One private individual and one organization submitted comments on the regulation, as follows:

- Jeffrey Wainwright (Wainwright) (Submitted on November 3, 2025)
- New York University School of Law, Policing Project – Anita Yandle, Esq. and Josh Parker (NYU) (November 7, 2025)

Additionally, the Independent Regulatory Review Commission (IRRC) submitted its comments on December 10, 2025. The following represent the comments, and the commission's response:

Wainwright Comment

Wainwright noted that the regulations generally reference "law enforcement agencies" and "law enforcement officers" and that § 241a.4 (relating to law enforcement agency enrollment) lists

nine agencies and three categories of agencies that the commission determined must comply with the act and regulation. He submitted two questions to the commission:

1. *Commission certification of private police*

Wainwright's first comment is how, considering the definitions of "college" and "university" in 53 Pa.C.S. § 2162 (relating to definitions), pertaining to the municipal police officers' education and training program, can the commission certify private police officers employed at private colleges and universities?

In response, the commission notes that the issue of definition of "police officer" and "police department" set forth in 53 Pa.C.S. § 2162 are not directly related to the act, its implementation or these regulations. Likewise, certification of "police officers" under 53 Pa.C.S. Chapter 21, Subchapter D, and what individuals qualify for certification, is not the subject of the act or these regulations (though they are tangentially related). In drafting the act, the General Assembly requires "law enforcement officers" and "law enforcement agencies" to comply with the act, terms which are narrower than the definitions of "police officer" and "police department" in 53 Pa.C.S. § 2162 (for example, under 53 Pa.C.S. § 2162, "police officer" includes employees of some non-public entities such as railroads, whereas under the act a "law enforcement officer" must hold public office or be a public employee). As noted regarding Wainwright's second comment (below) the definition of "law enforcement officer" does not include employees of private institutions and they therefore are not included in the act. Consequently, the commission believes that this comment is beyond the scope of the act or these regulations.

2. *Commission enforcement of act against private colleges and universities*

Wainwright's second comment is how can the commission ensure that private colleges and universities comply with the act's reporting requirements concerning officer certification, misconduct reporting and employment transparency?

In response, the commission notes that police officers employed at "private colleges and universities" do not in fact need to comply with the act. Section 7302 of 44 Pa.C.S. defines "law enforcement agency" as an entity which employs "law enforcement officers". Section 7302 also defines "law enforcement officer" by incorporating by reference the definition of "peace officer" in 18 Pa.C.S. § 501, which defines the term as being any "person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses…" Clearly, as employees of private institutions, police officers employed at either type of private institution neither hold "office" nor do they have "public employment," which means they are not "law enforcement officers" as that term is defined in the act or regulations. They are not subject to the act and absent a statutory amendment cannot be required to comply.

NYU Comments

NYU made six suggestions to be included in the regulations; all related to the minimum pre-hiring background check requirements in the act and § 241a.5 (relating to background investigations), as follows:

1. *Require prospective employing agencies to check the National Decertification Index (NDI) when conducting background checks*

NYU: "The NDI is a national no-cost registry of peace officer license revocations. Agencies should always check the index before hiring new officers to check if the applicant has had their license revoked in another state. Checking the NDI provides a critical layer of due diligence by promoting transparency and creating a check against cross-state movement of officers who have

engaged in serious misconduct."

Response: The commission feels that this is a helpful addition to the regulations and has amended § 241a.5 to make this an optional background check requirement. The commission felt this was the best practice because some agencies may have questions or concerns about providing applicant biographic information to a non-government entity such as the International Association of Directors of Law Enforcement Standards and Training (which maintains the NDI) or similar organization as part the agency's hiring process. However, the commission feels that making this NDI check an optional component of the background check requirement is worthwhile because it at a minimum raises the profile of the NDI among the regulated community (for example, several commission members were not aware the NDI existed) and may generate consideration and voluntary compliance among segments of the regulated community.

2. *Require prospective employing law enforcement agencies to get references from all private safety agency employers, even if applicants worked for them more than 5 years ago*

NYU: "Such references are essential to uncover any relevant conduct or employment issues from an applicant's complete law enforcement or law enforcement-related prior employers. Studies have shown that documented problems in prior jobs are a "significant predictor" of misconduct by police officers, and that departments can "significantly reduce the likelihood of hiring" officers who commit misconduct by screening out those with prior employment problems. Currently, § 241a.5(b)(1)(iv) limits non-law enforcement employer interviews to the past 5 years, which could allow prior misconduct at private safety agency employers to go undiscovered."

Response: In response, the commission declines to increase the "look back" from 5 years for prior private security employers. Currently, § 241a.5 requires a prospective employing law

enforcement agency to contact *any* of an applicant's prior employers from within the past 5 years, while contacting all prior law enforcement agency employers regardless of how long ago that employment occurred. These timeframes are consistent with the commission's regulations concerning certification and training of municipal police officers under 53 Pa.C.S. Chapter 21 Subchapter D (relating to municipal police education and training), commonly referred to as Act 120), found at 37 Pa.Code Chapter 203 (relating to administration of the program), and the commission has found them to be useful and functional minimum timeframes. This timeframe has been in place in Act 120's background check requirements and utilized by police departments in the Commonwealth for more than 20 years, and based on this practical experience the commission feels that the 5-year lookback period for prior non-law enforcement employers, combined with the unlimited prior law enforcement employer lookback, is sufficient to meet the needs of prospective employing law enforcement agencies and the Commonwealth's citizens. The commission also notes that these background check requirements are *minimum* standards and a law enforcement agency may exceed them by looking beyond the 5-year non-law enforcement lookback period if the agency deems it necessary.

3. *Require prospective employing agencies to verify education and military history of applicants*

NYU: "Verification of education and military history is a foundational component of a complete background check, as falsification in these areas often suggests issues with truthfulness and integrity."

Response: In response, the commission agrees that the addition of this education and military verification requirement would be helpful to prospective employing law enforcement agencies and the commission has amended § 241a.5 to require prospective employing law

enforcement agencies to verify education and military history of applicants during the hiring process.

4. *Require prospective employing law enforcement agencies to report to the commission conduct uncovered during a background check that could provide the basis for certification revocation under 37 Pa.Code § 203.14 (relating to revocation of certification)*

NYU: "Reporting decertifiable conduct to the Commission will provide greater coordination between agencies and reduce the likelihood of hiring an officer who would then need to be decertified and dismissed. Even if the officer is not hired, this requirement would inform the Commission of potentially decertifiable conduct, enabling the Commission to commence certification revocation proceedings when appropriate."

Response: In response, the commission declines to amend § 241a.5 to include this reporting requirement. Upon review, the commission does not have the statutory authorization to require a prospective employing law enforcement agency to submit this information to the commission, nor can the commission take any action against an applicant until the applicant is hired as a police officer under Act 120 and subsequently applies to be certified by the commission. If this occurs, the commission notes that as part of its own background check procedures for Act 120 certification, it would run its own criminal background check of an applicant and be able to deny certification under the criteria set forth in 37 Pa. Code Chapter 203, Subchapter B (relating to police officer certification requirements).

5. *The commission should add complaints and disciplinary records to the past law enforcement agency "employment information" hiring agencies need to seek and review*

NYU: "'Employment information' is defined to include 'written information in connection with job applications, performance evaluations, attendance records, disciplinary actions and

eligibility for rehire.' 44 Pa.C.S.A. Law and Justice § 7302. It is not clear that disclosure of employment information would require disclosure of complaints against an officer or disciplinary/investigative records (as opposed to disciplinary actions). Broadening the scope of information reviewed to include records of complaints and investigations is necessary for a prospective employer to gain a full understanding of an applicant's history, as a formal disciplinary action may not be the only indicator of concerning behavior."

Response: In response, the commission declines to amend § 241a.5 to require prospective employing law enforcement agencies to include the types of material suggested by NYU. The General Assembly specifically defined the term "employment information" in 44 Pa.C.S. § 7302, in a way that already includes information related to "disciplinary action." If, as suggested by NYU, the General Assembly wished to require agencies to mandatorily review information that falls short of "discipline," it could have included that requirement in the act. The commission feels it lacks the authority to impose stricter reporting and review requirements in this regard, considering the General Assembly's definition.

6. *The commission should consider adding additional communications and a mental health evaluation to the mandatory background check requirements*.

NYU: "There are further best practices for background investigations that we recommend adding as well. These include requiring communication with the local prosecuting authority in any jurisdiction in which officer served, in order to determine whether the officer is on any potential impeachment disclosure list; communication with the applicant's current or former spouse(s) or similar individual(s); and an in-person or live-video interview and evaluation by a licensed mental health professional."

Response: In response, the commission has amended § 241a.5 to require prospective employing law enforcement agencies to contact several additional categories of individuals. Specifically, § 241a.5 now requires a prospective employing law enforcement agency to contact current and former spouses as part of a background check as well as a requirement that agencies must attempt to contact the prosecuting attorney's office in any jurisdiction in which an applicant was previously employed as a law enforcement officer. The commission feels these additions will enhance the background check process by providing additional information to prospective employing law enforcement agencies, particularly regarding an applicant's past work as a law enforcement officer.

NYU also suggests requiring employing agencies to conduct a mental health evaluation of an applicant during a pre-employment background check. Based on experience with existing hiring practices, as well as legal implications under Federal law for requiring such an evaluation prior to an agency making a conditional offer of employment, the commission declines to adopt this suggestion. Initially, the commission notes that under Federal law, employers are prohibited from conducting pre-employment medical examinations or inquiries. See 29 C.F.R. 1630.13 (relating to prohibited medical examinations and inquiries). This timeline does not, based on the commission experience regarding police background checks and hiring, comport with applicant background process under either the act or Act 120, so it is not appropriate to amend § 241a.5 to include this requirement. The commission notes that declining NYU's suggestion on this point does not preclude a law enforcement agency from requiring a mental health evaluation but simply requires that such an evaluation take place only after a conditional offer of employment is made, and so long as all entering employees in the same job category undergo a mental health evaluation. See 29 C.F.R. 1630.14 (relating to medical examinations and inquiries specifically permitted). Additionally, the

commission notes that a pre-certification psychological examination is required prior to any Pennsylvania municipal police officer (including DMVA officers) being certified by the commission under its Act 120 regulations, specifically 37 Pa.Code. § 203.11(a)(7) (relating to qualifications). Likewise, in the commission's experience various non-Act 120 law enforcement agencies already have requirements for psychological screenings as part of their hiring processes. For example:

- Pennsylvania State Police Cadet: (https://www.pa.gov/agencies/psp/about-psp/employment/state-trooper-position-information/cadet-selection-procedures) (last accessed July 20, 2026) (noting requirement for psychological screening.)
- DCNR Ranger Trainee: (https://careers.employment.pa.gov/Home/GetJobNameInfo?jobCode=74745) (last accessed July 20, 2026) (noting requirement for successful passage of psychological screening.)
- Pennsylvania Fish and Boat Commission Waterways Conservation Officer: (https://www.pa.gov/agencies/fishandboat/about-us/agency-overview/bureaus/law-enforcement/law-enforcement-careers) (last accessed July 20, 2026) (noting requirement for successful passage of psychological screening)

IRRC Comments

IRRC made several comments containing multiple suggestions and asking questions of the commission.

1. *Section 241a.2. Definitions. – Clarity*.

IRRC: "*Need for additional definitions.* The opening sentences of this section reads as follows, "The definitions in 44 Pa.C.S § 7302 (relating to definitions) apply to this chapter. In

addition, the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise." The remainder of § 241a.2 then defines 15 words or terms that are not defined in Section 7302 of Act 57 of 2020 (Act 57) (44 Pa.C.S. § 7302). To improve the clarity of the rulemaking and to assist the regulated community with compliance, we suggest that the statutory definitions of Act 57 be included in this rulemaking."

Response: In response, the commission has adopted this suggestion and amended § 241a.2 to directly incorporate the statutory definitions located in 44 Pa.C.S. § 7302. One exception is the definition of "law enforcement officer". Section 7302 defines this term by incorporating by reference the definition of "peace officer" in 18 Pa.C.S. § 501 (relating to definitions). Rather than simply repeating this incorporation by reference, the commission has eliminated the need for cross referencing by using the language in 18 Pa.C.S. § 501 directly in the definition of "law enforcement officer" in § 241a.2.

IRRC: "*Law enforcement agency* and *law enforcement officer.* The proposed regulation does not define the terms *law enforcement agency* or *law enforcement officer.* However, Section 241a.4 (relating to law enforcement agency enrollment) lists nine specific agencies and three broad categories of law enforcement agencies that must enroll in MPOETC's database. A commentator has asked how this rulemaking will be applied to private universities. Entities that may have to comply with the rulemaking would benefit from more precise regulatory definitions of *law enforcement agency* and *law enforcement officer,* beyond the definitions of those terms in Act 57 and the language contained in Section 241a.4. We suggest that MPOETC define both terms in this section to address the issue raised by the commentator. Alternatively, MPOETC could provide more detail about the applicability of the rulemaking in Section 241a.4. Specifically, under Subsections 241a.4 (a)(10), (a)(11), and (a)(12), MPOETC should elaborate on the three broad

categories of agencies that must enroll in the database, and if possible, list other agencies that fall under Act 57 and these regulations."

Response: In response, as noted above, the commission has adopted this suggestion to the degree that it has amended § 241a.2 to directly incorporate the statutory definitions located in 44 Pa.C.S. § 7302, including the definitions of "law enforcement agency" and "law enforcement officer". The commission feels that doing so, particularly by including the definition of "law enforcement officer," that this will assist agencies that are not listed in § 241a.4 in determining whether they are subject to the act. In terms of expanding the list of nine specific agencies and three broad categories of agencies, the commission respectfully declines to expand on the current text of the rulemaking. The commission promulgated the agencies in § 241a.4 as an aid to the regulated community by identifying larger agencies and broad categories (for example, virtually all Act 120 police departments meet the definition of "law enforcement agency," except for railroad police employed by private companies). However, considering the act's current definitions of "law enforcement agency" and "law enforcement officer," the regulated community should have minimal issues determining if they in fact should comply with the act. Expanding this list further would result in a larger listing of individual agencies that are already covered by one or more of the broad categories (for example, listing of individual municipal police departments, public colleges and universities, school districts, and so forth). Such an expanded list would be redundant and overly cumbersome to maintain because it would require frequent amendment as police agencies go into or out of existence due to a variety of factors including regionalization, consolidation of police agencies or deconsolidation.

Regarding IRRC's reference to Wainwright's question concerning compliance by private college and university police, as indicated above, police officers employed at "private colleges and

universities" do not need to comply with the act because they do not meet the act's definition of "law enforcement officer" as set forth in § 7302. As employees of private institutions, these individuals and their employing agencies do not meet this definition and are not subject to the act.

IRRC: "*Includes, but is not limited to.* This phrase is found in the definitions of *discrimination, domestic violence,* and *filing a false report.* The *Pennsylvania Code and Bulletin Style Manual (Manual)* recommends that this phrase not be included in regulations. Instead, the term "includes" should be used. We recommend that the final-form regulation be amended in accordance with the *Manual."*

Response: In response, the commission has fixed this error.

2. *Section 241a.7. Hiring Information. – Clarity; Implementation procedures*.

IRRC: "This section of the regulation sets forth the procedures for a prospective employing law enforcement agency to notify MPOETC of an applicant's final employment status. The following definitions, found in Section 241a.2, include references to a "violation of applicable law enforcement agency policies": *coercion of a false confession; discrimination; domestic violence; excessive force; filing a false report; harassment; sexual abuse; sexual misconduct;* and *theft.* These defined terms are only used in this section of the regulation. Subsection (b) of this section requires a hiring report to be submitted to MPOETC by a prospective law enforcement agency when an applicant who is hired has a history of either final and binding disciplinary action or a criminal conviction, or both, for any of ten enumerated actions. These actions include the nine definitions identified above and the defined term *judicial finding of dishonesty.*

We have three questions about the phrase "violation of applicable law enforcement agency policy" as it relates to the implementation of this section of the regulation. First, MPOETC states in the Regulatory Analysis Form submitted with the rulemaking that there are 1,186 local law

enforcement agencies in the Commonwealth. Do all of the law enforcement agencies impacted by this regulation have policies on all nine actions? Second, has MPOETC reviewed all of the policies to ensure those policies are equal in scope and create a binding norm that can be applied evenly to all law enforcement agencies and officers? Third, instead of listing the ten defined actions in Subsection (b), has MPOETC considered requiring a prospective law enforcement agency to submit hiring reports when an applicant has ***any*** disciplinary action or criminal conviction? This would negate the need to define the terms that include the phrase "violation of applicable law enforcement agency policies" and possibly other words or phrases that are only used in Subsection (b). It would also provide a standard that is equal for all law enforcement agencies and law enforcement officers throughout the Commonwealth."

Response: In response to IRRC's questions concerning agency policies, the commission does not know whether all 1,186 local law enforcement agencies impacted by the rulemaking having polices on the relevant policy points. Additionally, the commission has not reviewed any agency policies on the relevant policy points but is aware that the Pennsylvania State Police (which administers the commission) has policies which cover the relevant policy points. Third, based on its experience with police agencies, and police certification in general, the commission is aware that it is standard practice, either as a condition of accreditation, best practices, or collective bargaining, for police agencies to have internal policies ("regulations") governing a wealth of topics including those outlined in § 241a.2.

Finally, while the commission thanks IRRC for its suggestion that it amend the regulations to require a prospective employing law enforcement agency to submit a hiring report when an applicant has *any* disciplinary action or conviction, such an amendment exceeds the scope of the act as currently written by the General Assembly, which requires submission of hiring reports only

under specific limited circumstances. Consequently, the commission does not have the authority to currently expand on this reporting requirement. However, to aid the regulated community in implementing the act's reporting requirements, the commission has amended each of these nine definitions to include more specific information about the type of policy that would qualify at an employing law enforcement agency. The commission feels this will assist the regulated community in identifying internal policies for purposes of the act.

3. *Section 241a.10. Amending separation records. – Clarity*.

IRRC: "This section sets forth the procedure for a law enforcement agency to correct or remove a portion of a law enforcement officer's separation record. Paragraph (3)(i) requires a law enforcement agency to notify a law enforcement officer if it is submitting a change to their record. However, this section does not require the notification to specify what change has been made to the record. We recommend that the notification include a description of the change or changes that were made to the record."

Response: In response to IRRC's comment, the commission has amended § 241a.10(3)(i) to require a law enforcement agency to notify a law enforcement officer of any change made and to specify the nature of that change. The commission feels this was an important change that can be accomplished by changing the commission form used to document these changes, thus effecting the notification while avoiding additional significant burden on the regulated community.

4. Protection of the public health, safety, and welfare.

IRRC: "The Policing Project at the New York University School of Law (Policing Project) submitted comments that generally support the rulemaking. Their comments include recommendations to bolster the rulemaking and "further strengthen the background investigation process, close potential gaps, and align Pennsylvania with best practices designed to prevent the

hiring of officers with histories of disqualifying conduct." If the recommendations of the Policing Project help to protect the public health, safety, and welfare of the citizens of the Commonwealth and are consistent with the legislative intent and scope of Act 57, we ask MPOETC to consider incorporating those recommendations into the final-form regulation.

Response: The commission thanks IRRC and the other commentators for their observations, questions and feedback about the regulation. In consideration of these comments and recommendations, the commission has amended the final-form rulemaking as described herein.

5. *Implementation procedures.*

IRRC: "In the Preamble to this rulemaking, MPOETC states the purpose of this proposed regulation is to replace expired temporary regulations with permanent regulations. While many of the provisions of Act 57 are self-executing, MPOETC has a duty to promulgate permanent regulations to address the confidentiality of employment information and separation records, the security of MPOETC's database, and reportable disciplinary action and criminal conduct. (Section 7312 of Act 57 (44 Pa.C.S. § 7312)). We encourage MPOETC to consider all of the comments it has received on the rulemaking and to submit a final-form regulation as soon as possible."

Response: The commission thanks IRRC for its valuable feedback regarding the regulation. It is the commission's intent to promulgate the final-form rulemaking as expeditiously as possible.

Description of Amendments to the Final-form Rulemaking

§ 241a.2. Definitions

This section incorporates the definitions contained in 44 Pa.C.S. § 7302 (relating to definitions) at IRRC's request and provides definitions for the following terms, in addition to supplementing definitions in the proposed rulemaking: "applicant," "coercion of a false confession,"

“commission,” "domestic violence," “employment information,” "excessive force," "filing a false report," “final and binding disciplinary action,” "harassment," “law enforcement agency,” “law enforcement officer,” “prospective employing law enforcement agency,” “separation records” and "theft." The commission believes that these defined terms will assist the regulated community in complying with the law and ensure administrative consistency between commission staff and the regulated community.

The definition of ”applicant” was added to the rulemaking to address a comment by IRRC. It is the statutory definition contained in 44 Pa.C.S. § 7302 and covers an individual who is applying for employment for a position with a “law enforcement agency” that leads to employment as a “law enforcement officer”.

The definition of "coercion of a false confession" covers actions by a law enforcement officer that violate 18 Pa.C.S. §§ 2906 and 5301 (relating to criminal coercion; and official oppression). The definition also provides that coercion of a false confession can also be found when a law enforcement officer violates an employment policy of the officer's employing law enforcement agency. In this rulemaking the commission amended the definition to clarify the types of employment policies at issue, by explaining that covered policies are those that prohibit the use of coercive techniques that are reasonably likely to elicit a false or unreliable statement or confession, such as physical force, threat of force, intimidation, humiliation or deprivation of a basic human need such as food, water or rest. The commission believes that this last provision addressing violations of internal agency employment policies is an important addition to this definition and others found in these regulations. Based on the commission's experience, most law enforcement agencies have internal employment policies governing various aspects of employee conduct, including prohibitions on excessive use of force, sexual and non-sexual harassment, coercion, theft

and other misconduct. Violations of these policies can result in internal affairs investigations and final binding disciplinary action, resulting in a separation record under 44 Pa.C.S. § 7308 (relating to maintenance of records). Additionally, agencies that have applied for accreditation, or already are accredited by bodies such as the Commission on Accreditation for Law Enforcement Agencies, Inc. or the Pennsylvania Law Enforcement Accreditation Commission, should have internal employment policies as a condition of their pending or successful accreditation application. The commission believes that referencing these policies is necessary and helpful given the nature of modern policing.

The definition of "commission" was added to the rulemaking to address a comment by IRRC. It is the statutory definition contained in 44 Pa.C.S. § 7302 and means the Municipal Police Officers' Education and Training Commission.

The definition of "domestic violence" was amended in the rulemaking to eliminate the use of the phrase "including but is not limited to", in favor of the word "including". This change was made in response to comment by IRRC and brings the rulemaking into conformance with the *Pennsylvania Code and Bulletin Style Manual*.

The definition of "employment information" was added to the rulemaking to address a comment by IRRC. It is the statutory definition contained in 44 Pa.C.S. § 7302 and covers written information including job applications, performance evaluations, attendance records, disciplinary actions and rehiring eligibility.

The definition of "excessive force" was amended to clarify that the type of policy referred to in this definition means an employment policy of an officer's employing law enforcement agency that prohibits the use of force, deadly or otherwise, except if reasonable under the totality of the circumstances or, in the case of deadly force, to prevent imminent threat of death or serious bodily

injury. The commission made this change in response to a comment by IRRC. Based on its experience, the commission is aware that most if not all law enforcement agencies have policies addressing the use of force.

The definition of "filing a false report" in the final-form rulemaking was amended several ways. First, it eliminates the phrase “but is not limited to” and replaces it with the word “including”. This change was made in response to comment by IRRC and brings the rulemaking into conformance with the *Pennsylvania Code and Bulletin Style Manual*. Second, it includes a reference to a violation of 18 Pa.C.S. § 4101.1 (relating to digital forgery), which had been in advertently omitted from the definition previously. Third, in response to a comment by IRRC the definition now clarifies that the type of employment policy referred to in this definition means an employment policy of an officer’s employing law enforcement agency that prohibits falsification, misrepresentation, intentional omission, alteration, suppression or destruction of information in any official record or recording. The commission feels these changes are appropriate because they conform to the latest edition of the *Pennsylvania Code and Bulletin Style Manual*. Additionally, it adds another relevant statute and elaborates on employment policies for the benefit of the regulated community.

The definition of “final and binding disciplinary action” was added to the rulemaking to address a comment by IRRC. It is the statutory definition contained in 44 Pa.C.S. § 7302 and covers disciplinary actions in which an officer voluntarily accepts discipline or actions where discipline is imposed and appeal rights have been exhausted.

The definition of "harassment" was amended to clarify that the type of policy referred to in this definition means an employment policy of an officer’s employing law enforcement agency that prohibits repeated or unwelcome conduct, comments or contact by an officer that is intended to

alarm, intimidate, demean or otherwise unreasonably intrude upon an individual's personal dignity or privacy, regardless of whether in person, in writing, electronically or by surveilling an individual. Based on its experience, the commission is aware that most if not all law enforcement agencies have regarding policies officer conduct, including bans on certain conduct.

The definition of "law enforcement agency" was added to the rulemaking to address a comment by IRRC. It is the statutory definition contained in 44 Pa.C.S. § 7302 and specifies that it is an entity that employs "law enforcement officers".

The definition of "law enforcement officer" was added to the rulemaking to address a comment by IRRC. It is based on the statutory definition contained in 44 Pa.C.S. § 7302, which itself incorporates by reference the definition of "peace officer" under 18 Pa.C.S. § 501, stating that a "law enforcement officer" is an individual who by virtue their public office or public employment has a duty to maintain public order or make arrests for offenses. The commission feels that replicating the definition found in 18 Pa.C.S. § 501 directly in the rulemaking will minimize cross-referencing between the rulemaking and statutes by the regulated community.

The definition of "prospective employing law enforcement agency" was added to the rulemaking to address a comment by IRRC. It is the statutory definition contained in 44 Pa.C.S. § 7302 and encompasses law enforcement agencies that are considering employing a law enforcement officer.

The definition of "separation record" was added to the rulemaking to address a comment by IRRC. It is the statutory definition contained in 44 Pa.C.S. § 7302 and means records that law enforcement agencies are required to maintain under 44 Pa.C.S. § 7308 (relating to maintenance of records), and includes records related to separation of service, criminal charges filed against a law enforcement officer, records of all civil or ethical complaints against a law enforcement officer

and records of any charges and complaints (including final and binding disciplinary actions against a law enforcement officer.

The definition of "theft" was amended to clarify that the type of policy referred to in this definition means an employment policy of an officer's employing law enforcement agency which prohibits the unauthorized taking, misappropriation, conversion or concealment of money, property or services (including evidence) by an officer from an arrestee or private citizen. The term includes misappropriation of time or compensation records, or misuse of public resources. Based on its experience, the commission is aware that most, if not all, law enforcement agencies have policies concerning officer conduct, including bans on certain conduct.

§ 241a.4. Law enforcement agency enrollment

This section contains several minor amendments that correct incorrect agency names published in the proposed rulemaking. Specifically, this rulemaking corrects the names of several law enforcement agencies enumerated in this section, which now list the full names of The Pennsylvania Game Commission, The Pennsylvania Fish and Boat Commission and The Office of State Inspector General.

§ 241a.5. Background investigations

This section contains several small amendments to address comments from IRRC and the New York University School of Law's Public Policing Project. These amendments label background investigative requirements as either "required" or "optional". Specifically, paragraph (b)(1) of the rulemaking now requires prospective employing law enforcement agencies to attempt to contact all prosecuting attorney's offices where an applicant previously employed as a law enforcement officer, requires verification of educational history, requires verification of military service record and requires an interview with an applicant's current and former spouses. Paragraph (b)(2) of

rulemaking now also states that a prospective employing law enforcement agency may as an optional practice conduct a search of the National Decertification Index (NDI) maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST), or a similar nationwide search index. The commission feels that adding these practices as part of the background investigation used by prospective employing law enforcement agencies during hiring serves only to enhance that process. The additional "required" practices, involving educational and military records, and contacting prosecutors and current and former spouses, all serve to either verify the veracity of information supplied by an applicant or provide additional third-party information concerning an applicant's suitability for employment as a law enforcement officer. Likewise, the optional practice set forth in paragraph (b), concerning contact with IADLEST's NDI (or similar Nationwide search index) provides a mechanism by which a prospective employing law enforcement agency may, if it so choses, to supplement their own background investigation with records from the NDI. As noted above, the commission feels that this is a helpful addition to the rulemaking but also felt it is best to make this option due to concerns some agencies may have about providing applicant biographic information to a non-government entity.

§ 241a.10. Amending separation records

Section 7308(c)(1) of the act requires a process to allow a law enforcement officer to review and disagree with their separation records. This section sets forth the procedure for a law enforcement agency to correct or remove a portion of their separation records. This may occur because of a law enforcement officer requesting correction or removal of a portion of the separation records or the law enforcement agency identifying errors in its submission. This rulemaking is amended, in subparagraph (3)(i), to specify the form of the notification and also

require an agency to notify the officer specifically of what change was made to his or her separation record. The commission makes this amendment after consideration of an IRRC recommendation.

Fiscal Impact

The commission estimates annual costs imposed by the regulation upon law enforcement officers and agencies to be $101,138.64 in the aggregate. The costs to law enforcement agencies are anticipated to be limited as law enforcement agencies typically had hiring-related background investigation requirements in place prior to the act. Furthermore, the background investigation requirements set forth in the regulation are substantively similar to the commission's regulations in Chapter 203 (relating to administration of the program) which were already in place and applied to law enforcement agencies subject to 53 Pa.C.S. Chapter 21 (relating to employees). A law enforcement agency may incur the following costs for processing forms required by the regulation:

Notarization of the hiring report form: $5 per form as set by the Department of State in 4 Pa. Code § 161.1 (relating to schedule of fees). However, a law enforcement agency or its oversight body may employ a notary public who may waive the fee under 57 Pa.C.S. § 329.1 (relating to fees of notaries public). In 2025, the commission received 9 hiring report forms resulting in a cost to the regulated community of $45 annually.

Notarization of the waiver form: $5 per form as set by the Department of State in 4 Pa. Code § 161.1. This form is required when an applicant has been given a conditional offer of employment. The cost of notarizing the waiver form may be borne by the prospective employing law enforcement agency or the applicant. The commission estimated five applicants completed a waiver form for each offer of employment (equal to the number of separation record requests received by the commission). In 2025, the commission received 3,696 requests for separation records from law enforcement agencies. Therefore, the commission estimates the annual cost to

the regulated community related to the notarization of waiver forms is $18,480. This cost may be borne by the law enforcement agency or applicant.

Certified mail: A law enforcement agency that submits a corrected or amended separation record must notify the affected law enforcement officer in writing by certified mail. According to the United States Postal Service, in 2025 the cost for certified mail was $5.30 in addition to postage and a stamped letter weighing not more than 1 ounce cost $0.82 to mail. The number of corrected or amended separation records which were not initiated by a law enforcement officer's request is unknown though could not be more than all 16 of the corrected or amended separation records from 2025. At most, this requirement cost the regulated community $97.28 in 2025. Today, as a result of price increases in the cost of certified mail and postage to $5.55 and $0.82, respectively, that cost would be $101.92.

Credit history check: An employment-related credit history check, on average, costs between $25 to $50 per check. Because this cost is incurred during the background investigation, it is unknown how many applicants a law enforcement agency may process for a vacancy before making an offer of employment. In 2025, the commission received 3,696 requests for separation records. The number loosely correlates to the number of law enforcement officers offered employment. If an average of five applicants were processed for each offer of employment and the cost of the credit check was $25, the cost to the 11% of the regulated community not already completing the check was approximately $50,820 in 2025.

Driving history check: If the hiring law enforcement agency is not considered a law enforcement agency for the purposes of access to driver history information, the law enforcement agency will have to complete Department of Transportation form DL 503, Request for Driver Information. The cost for a full driver history is $15 and the form must be notarized, which costs

$5 per form. The form can be processed electronically without need for postage. The cost of obtaining a driving history from other states varies. The commission anticipates most, if not all, law enforcement agencies have free access to driving history information. No significant costs are anticipated to the regulated community for this requirement.

Criminal history check: If the hiring law enforcement agency is not considered a criminal justice agency under 18 Pa.C.S. Chapter 91 (relating to criminal history record information), the law enforcement agency will have to complete an employment-related criminal history request. IDEMIA conducts fingerprint-based criminal history processing for $21.95. The commission anticipates most, if not all, law enforcement agencies have free access to criminal history information. No significant costs are anticipated to the regulated community for this requirement.

Administrative costs: Each law enforcement agency will process the administrative tasks of the act differently based on many factors such as the number of vacancies, how often vacancies are filled, whether a background investigation is outsourced to a private entity and how often law enforcement officers separate. For smaller law enforcement agencies with little employee turnover, the tasks of separation and background investigations will have limited financial impact. Larger agencies will have more financial impact from the tasks of separation and background investigations.

Separation tasks in one of the largest law enforcement agencies subject to the act, the Pennsylvania State Police (PSP), are conducted by two Human Resource Analysts. The required tasks are completed every 2 weeks and require, on average, a combined 5 hours per month. At a minimum hourly rate of $25.48 per hour, the cost to the PSP is approximately $3,057.60 per year. In 2025, 143 troopers separated from the PSP resulting in an approximate cost of $10.69 per separation for separation tasks related to submission of separation records under the act. If this

cost-per-record is applicable to all separation records submitted by law enforcement agencies, the cost to the regulated community for processing 2,944 separation records in 2025 was $31,471.36.

The administrative cost of conducting the background investigation is anticipated to impact approximately less than 11% of law enforcement agencies. The background requirements in the act are consistent with the minimum background requirements of law enforcement agencies subject to 53 Pa.C.S. Chapter 21, except for a new requirement to request separation records from the commission. This requirement is not anticipated to cause those law enforcement agencies subject to 53 Pa.C.S. Chapter 21 to incur any quantifiable additional costs. Likewise, many law enforcement agencies not subject to 53 Pa.C.S. Chapter 21, such as PSP, already have background investigation standards that exceed the minimum standards set by the act and will not incur any quantifiable additional costs. Similarly, the administrative work required of law enforcement agencies to comply with the act, including creation and retention of separation records, exchange of information with prospective employing law enforcement agencies and submission of records to the commission will impose administrative costs on a law enforcement agency in terms of time spent by employees performing those duties. Because those costs are agency-dependent in terms of salary, job classification and volume of hiring and record creation rates, it is not possible for the commission to estimate these costs.

There will be no fees associated with use of TACS for the regulated community or State or local governments.

Paperwork Requirements

This rulemaking implements various statutory requirements that will require the creation and retention of records as well as the submission of records to the commission by an employing law enforcement agency. The commission created six forms to address the paperwork requirements of

the regulations. These include a Separation Records Form, Authorization and Release Form, Waiver Form, Correction Request Form, Hiring Report Form and Agency Onboarding Form. A law enforcement agency will use the Separation Records Form to submit the separation records and corrected separation records to the commission under §§ 241a.8 and 241a.10 (relating to submission of separation records; and amending separation records). A prospective employing law enforcement agency will use the Authorization and Release Form to request employment information from an applicant's former employing law enforcement agencies under § 241a.5 (relating to background investigations). A prospective employing law enforcement agency will use the Waiver Form to request separation records from the commission under § 241a.6. A law enforcement agency will use the Correction Request Form to respond to a law enforcement officer's correction request under § 241a.9(b)(1). A law enforcement agency will use the Hiring Report Form when submitting a hiring report under § 241a.7 (relating to hiring information). A law enforcement agency will use the Agency Onboarding Form when initially enrolling in TACS as required by § 241a.4(c) (relating to law enforcement agency enrollment).

A law enforcement officer will partially complete and sign the Authorization and Release Forms as required by § 241a.5(a)(1). A law enforcement officer will use the Waiver Form to request separation records from the commission under § 241a.9. A law enforcement officer will use the Correction Request Form when they disagree with the content of separation records under § 241a.9(b)(1). A law enforcement officer will also use the Correction Request Form to submit a statement of disagreement under § 241a.11.

Sunset Date

No sunset date will be established. The commission will continually review and monitor the effectiveness of these regulations after they are published as final.

Regulatory Review Information

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 25, 2025, the commission submitted a copy of this rulemaking, published at 55 Pa.B. 7114 (October 11, 2025) and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the chairpersons of the Law and Justice Committee of the Senate and the chairpersons of the Judiciary Committee of the House of Representatives. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final form regulation, the commission considered all comments from IRRC and the public. The Committees did not submit comments.

Under section 5.1 of the Regulatory Review Act (71 P.S. § 745.5a(a)), on _____, 2026, the commission delivered this final form regulation to IIRC and the Committees. Under section 5.1(j.2) of the Regulatory Review Act, on _____, 2026, this final form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on _____, 2026, and approved this final form regulation.

Findings

The commission finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1958 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa.Code

§§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and all comments were considered in promulgating this final form rulemaking.

(3) Amendments made to the final form rulemaking do not enlarge the scope of the proposed rulemaking published at 55 Pa.B. 7114 (October 11, 2025).

(4) This final form rulemaking adopted by this order is necessary and appropriate for the administration of the act by the Municipal Police Officers' Education and Training Commission.

Order

The commission, acting under its authorizing statute, orders that:

(a) The regulations of the commission, 37 Pa.Code Chapter 241 are amended to read as set forth in Annex A.

(b) The commission shall submit a copy of this final form rulemaking to the Office of the Attorney General and the Office of General Counsel for approval as required by law.

(c) The commission shall submit this final form rulemaking to IRRC and the relevant standing Committees of the Senate and House of Representatives as required by law.

(d) The commission shall certify this final form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final form rulemaking shall take effect upon its publication in the Pennsylvania Bulletin.

Lieutenant Colonel George L. Bivens
Acting Commissioner
The Pennsylvania State Police
Chairman

The Municipal Police Officers' Education and Training Commission

Package 17-89 (Law Enforcement Background Investigations)
Public Commentators

1. Jeffrey Wainwright
   Blaize02@live.com

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Annex A

TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Subpart C. LAW ENFORCEMENT OFFICER HIRING AND SEPARATION

CHAPTER 241. {Reserved}

§§ 241.1—241.13. {Reserved}.

(*Editor's Note*: Chapter 241a is proposed to be added and is printed in regular type to enhance readability.)

CHAPTER 241a. LAW ENFORCEMENT BACKGROUND INVESTIGATIONS

Subchap.

A. GENERAL PROVISIONS

B. EMPLOYMENT INFORMATION

C. SEPARATION INFORMATION

D. RECORD RETENTION

E. SECURITY OF RECORDS

Subchapter A. GENERAL PROVISIONS

Sec.

241a.1. Applicability.

241a.2. Definitions.

241a.3. Confidentiality.

241a.4. Law enforcement agency enrollment.

§ 241a.1. Applicability.

This chapter sets forth regulations for the hiring and separation of a law enforcement officer by a law enforcement agency. This chapter is applicable to law enforcement agencies that are required to report information or that may request information or records in accordance with the act.

§ 241a.2. Definitions.

The definitions in 44 Pa.C.S. § 7302 (relating to definitions) apply to this chapter. In addition, the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—Chapter 73 of 44 Pa.C.S. (relating to law enforcement background investigations and employment information).

***Applicant*—A person applying for employment as a law enforcement officer or for a position leading to employment as a law enforcement officer.**

Coercion of a false confession—A violation of 18 Pa.C.S. § 2906 or § 5301 (relating to criminal coercion; and official oppression), an equivalent offense in another jurisdiction or conduct in violation of applicable law enforcement agency policies **prohibiting the use of coercive techniques that are reasonably likely to elicit a false or unreliable statement or confession, such as the use of physical force, threats of force, intimidation, humiliation and deprivation of basic needs (such as food, water or rest)**.

***Commission*—The Municipal Police Officers' Education and Training Commission.**

Criminal conviction—A finding of guilt or the entering of a plea of guilty or nolo contendere, whether or not judgment of sentence has been imposed, including, without limitation, comparable dispositions as provided in other Federal or State laws. The term does not include a

conviction which has been overturned, expunged under 18 Pa.C.S. Chapter 91 (relating to criminal history record information) or comparable process in another jurisdiction, or for which a person has been pardoned.

Discrimination—A violation of 18 U.S.C. § 242 (relating to deprivation of rights under color of law) or conduct in violation of applicable law enforcement agency policies prohibiting different treatment based on, but not limited to, any of the following: race; color; religion; sex, including pregnancy, transgender status and sexual orientation; national origin; age, consisting of those 40 years of age or older; disability or genetic information.

Domestic violence—Conduct that includes **[but is not limited to]**:

(1) Conduct that could form the basis for an arrest under 18 Pa.C.S. § 2711 (relating to probable cause arrests in domestic violence cases) or equivalent offense in another jurisdiction.

(2) An act that meets the definition of abuse in 23 Pa.C.S. § 6102 (relating to definitions), pertaining to protection from abuse, or equivalent statute in another jurisdiction.

(3) A violation of applicable law enforcement agency policies prohibiting the use of physical, psychological or emotional abuse of family or household members.

***Employment information*—Written information in connection with job applications, performance evaluations, attendance records, disciplinary actions and eligibility for rehire.**

Employment status—Information indicating whether a law enforcement officer has been offered employment, is employed or was previously employed by the law enforcement agency.

Excessive force—A use of force by a law enforcement officer not otherwise permitted under 18 Pa.C.S. § 508 (relating to use of force in law enforcement), equivalent conduct in another jurisdiction or conduct in violation of applicable law enforcement agency policies **prohibiting the use of force, deadly or otherwise, except if reasonable under the totality of the**

circumstances or, in the case of deadly force, to prevent imminent threat of death or serious bodily injury.

Family or household members—As defined in 23 Pa.C.S.§ 6102.

Filing a false report—Intentionally and knowingly submitting an official report or document the law enforcement officer knows to be false. This includes**[, but is not limited to,]** conduct that would be a violation of 18 Pa.C.S. §§ 4101, **4101.1,** 4104(a), 4904, 4905, 4906, 4906.1, 4910 or 4911; equivalent offenses in another jurisdiction; or conduct in violation of applicable law enforcement agency policies **prohibiting falsification, misrepresentation, intentional omission, alteration, suppression or destruction of information in any official record, report, log, citation, affidavit, recording or other evidentiary documentation**.

***Final and binding disciplinary action*—Disciplinary action in which a law enforcement officer voluntarily accepts discipline or, in the case of appeal by the disciplined officer, disciplinary action in which the appeal has been exhausted or resolved by settlement agreement, arbitration or other dispute resolution mechanism.**

Harassment—A violation of 18 Pa.C.S. § 2709 or § 2709.1 (relating to harassment; and stalking), an equivalent offense in another jurisdiction or conduct in violation of applicable law enforcement agency policies **prohibiting repeated or unwelcome conduct, comments or contact by a law enforcement officer that is intended to alarm, intimidate, demean or otherwise unreasonably intrude upon the personal dignity, safety or privacy of an individual, whether in person, in writing, electronically or through surveillance**.

Judicial finding of dishonesty—A finding by a court or judicial body that a law enforcement officer has engaged in conduct constituting a crime that involves deceit or falsification. The term includes findings by courts and judicial bodies established under Article V of the Pennsylvania

Constitution, Article III of the United States Constitution or the constitution of another state or jurisdiction. The term does not include findings made by administrative bodies.

***Law enforcement agency*—A law enforcement agency in this Commonwealth that is the employer of a law enforcement officer.**

***Law enforcement officer*—A person who, by virtue of the person's office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or a person on active State duty under 51 Pa.C.S. § 508 (relating to active duty for emergency). The term also includes a member of a park police department of a county of the third class.**

***Prospective employing law enforcement agency*—A law enforcement agency in this Commonwealth that is considering employing a law enforcement officer.**

***Separation records*—Records required to be maintained under 44 Pa.C.S. § 7308 (relating to maintenance of records).**

Sexual abuse—Conduct that would constitute a violation of 18 Pa.C.S. Chapter 31, Subchapter B (relating to definition of offenses); 18 Pa.C.S. §§ 2910, 3011(a)(1), 3011(a)(2), 3011(b), 3013(a), 5902(b), 5902(b.1), 5902(d), 5902(e), 6301(a)(1)(ii), 6312, 6318, 6320 or 7507.1; or an equivalent offense in another jurisdiction. The term also includes conduct in violation of applicable law enforcement agency policies prohibiting conduct set forth in those offenses.

Sexual misconduct—Conduct of a sexual nature that violates applicable law enforcement agency policies prohibiting behavior that does not necessarily constitute a criminal offense or meet the definition of sexual abuse. The term includes conduct that violates policies prohibiting uninvited or unwanted sexual comments, sexual teasing or banter, sexual advances or displays of

sexually explicit material and other verbal or physical conduct of a sexual nature in the workplace.

TACS—Training and Certification System—The secure web-based electronic database used to collect and retain information for programs managed by the commission.

Theft—A violation of 18 Pa.C.S. Chapter 39 (relating to theft and related offenses), an equivalent offense in another jurisdiction or a violation of applicable law enforcement agency policies **prohibiting the unauthorized taking, misappropriation, conversion or concealment of money, property, services or evidence by a law enforcement officer, including theft from arrestees or private citizens, improper use of seized property, falsification of time or compensation records or misuse of public resources for personal gain**.

§ 241a.3. Confidentiality.

Information collected or furnished under this chapter by an applicant, law enforcement agency or the commission is confidential and not subject to public disclosure, except for information expressly identified within the act as eligible for public disclosure under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104) as required in 44 Pa.C.S. § 7311(c) (relating to hiring report). Secondary dissemination of confidential information may occur only in accordance with the act.

§ 241a.4. Law enforcement agency enrollment.

(a) Law enforcement agencies, including the following, shall comply with the requirements of this section:

(1) The Pennsylvania State Police.

(2) The **Pennsylvania** Game Commission.

(3) The Department of Conservation and Natural Resources.

(4) The **Pennsylvania** Fish and Boat Commission.

(5) The Department of Corrections.

(6) The Department of Military and Veterans Affairs.

(7) The Office of the Attorney General.

(8) The Office of the **State** Inspector General.

(9) The Delaware River Port Authority.

(10) Agencies that employ law enforcement officers certified in accordance with 53 Pa.C.S. Chapter 21, Subchapter D (relating to municipal police education and training).

(11) Agencies that employ law enforcement officers certified in accordance with 44 Pa.C.S. Chapter 74, Subchapter C (relating to sheriff and deputy sheriff education and training).

(12) Public agencies that employ law enforcement officers appointed in accordance with Article XIII-C of the Public School Code of 1949 (24 P.S. §§ 13-1301-C— 13-1316.1-C), pertaining to school security.

(b) The commission will publish information on the commission's public website regarding procedures for law enforcement agencies to enroll in TACS.

(c) Each law enforcement agency shall enroll in TACS in the manner described on the commission's website.

Subchapter B. EMPLOYMENT INFORMATION

Sec.

241a.5. Background investigations.

241a.6. Request for separation records.

241a.7. Hiring information.

§ 241a.5. Background investigations.

(a) *Request for disclosure of employment information.*

(1) A prospective employing law enforcement agency shall request employment information from an applicant's former employing law enforcement agencies. The request shall be on a form provided by the commission and signed by the prospective employing law enforcement agency's chief of police or other authorized representative. The request shall include an authorization and release signed by the applicant.

(2) An applicant's former employing law enforcement agency shall provide the prospective employing law enforcement agency access to the requested records within 30 calendar days of receipt of the request.

(b) *Request for background information.*

(1) ***Required practices.*** A prospective employing law enforcement agency shall conduct all of the following:

(i) A criminal history check, including the submission of fingerprints to the Pennsylvania State Police Central Repository and the Federal Bureau of Investigation.

(ii) A check of the applicant's credit history.

(iii) Personal interviews with at least three people who have personal knowledge of the applicant but are not related to the applicant or a member of the applicant's household.

(iv) Interviews of the applicant's employers, if any, for the past 5 years to determine the applicant's work history.

(v) A review of the applicant's employment information from each previous law enforcement employer to determine the applicant's law enforcement work history. **For purposes of this section, this shall include attempting to contact the prosecuting attorney's office in the**

jurisdiction or jurisdictions in which the applicant was previously employed as a law enforcement officer.

(vi) A check of the applicant's driving history that includes a review of all traffic violations and verification that the applicant has a valid driver's license.

(vii) A verification of the applicant's eligibility to lawfully possess a firearm if hiring for a position which requires possession of, use of or access to a firearm. If an applicant is prohibited from possessing, using or controlling a firearm under Federal or State law, the applicant may not be employed as a law enforcement officer in a position which requires possession of, use of or access to a firearm, except as provided under 18 U.S.C. § 925 (relating to exceptions: relief from disabilities).

(viii) A verification of the applicant's educational history.

(ix) A verification of the applicant's military service record.

(x) An interview with the applicant's spouse, or former spouse or spouses.

(2) ***Optional practices.***

(i) A prospective employing law enforcement agency may conduct a search of the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) or its successor, or substantially similar Nationwide search index, concerning the applicant to determine if they have been subject of a decertification action as a law enforcement officer in another jurisdiction.

(ii) A prospective employing law enforcement agency may establish higher standards for background investigations of applicants if those standards are not contrary to Federal or State law.

§ 241a.6. Request for separation records.

A prospective employing law enforcement agency shall request an applicant's separation records from the commission when a conditional offer of employment is made to the applicant.

(1) A request for an applicant's separation records shall be submitted in TACS on a form published by the commission and shall include a notarized waiver form signed by the applicant.

(2) The commission will provide the separation records for the applicant or certification that separation records do not exist. If an applicant is employed by a law enforcement agency within this Commonwealth, the commission will provide a prospective employing law enforcement agency with information regarding the applicant's current employing law enforcement agency.

§ 241a.7. Hiring information.

(a) Within 7 calendar days of completion of the selection or hiring process, a prospective employing law enforcement agency shall notify the commission of the applicant's final employment status in TACS.

(b) A hiring report shall be submitted to the commission by a prospective law enforcement agency when an applicant who is hired has a history of either final and binding disciplinary action or a criminal conviction, or both, for any of the following:

(1) Excessive force.

(2) Harassment.

(3) Theft.

(4) Discrimination.

(5) Sexual abuse.

(6) Sexual misconduct.

(7) Domestic violence.

(8) Coercion of a false confession.

(9) Filing a false report.

(10) Judicial finding of dishonesty.

(c) When a hiring report is required, the hiring report form shall comply with all of the following:

(1) Be on a form provided by the commission on the commission's public website.

(2) Contain a notarized signature of the prospective law enforcement agency's chief of police or designated representative.

(3) Include the reasoning and rationale for hiring the applicant.

(4) Be submitted to the commission in TACS.

(5) Be made part of the applicant's electronic record in TACS.

Subchapter C. SEPARATION INFORMATION

Sec.

241a.8. Submission of separation records.

241a.9. Officer review.

241a.10. Amending separation records.

241a.11. Officer statement of disagreement.

241a.8. Submission of separation records.

(a) A law enforcement agency shall update the employment status of a law enforcement officer and submit separation records in TACS on a form published by the commission, no more than 15 calendar days after the law enforcement officer's separation from employment.

(b) A notation of final and binding disciplinary action or a criminal conviction shall be included in the separation records, if applicable.

(c) If the separation records are incomplete, the commission will notify the submitting law enforcement agency that the separation records have been rejected. The submitting law enforcement agency shall submit complete separation records to the commission within 15 calendar days of receiving the rejection notice.

§ 241a.9. Officer review.

(a) A law enforcement officer may request to review their separation records maintained by the commission.

(1) A request to review separation records shall be made on a notarized waiver form and submitted to the commission in TACS.

(2) A request to review separation records shall include the employing law enforcement agency name and dates the law enforcement officer was employed by the law enforcement agency.

(3) The commission will provide the law enforcement officer with a copy of the requested separation records upon receipt of the request.

(b) A law enforcement officer who disagrees with the contents of the separation records may submit to the previous employing law enforcement agency a request for correction or removal of the portion of the separation records believed to be incorrect.

(1) A request for correction or removal of a portion of the separation records shall be submitted directly to the previous employing law enforcement agency on the correction request form provided by the commission.

(2) A law enforcement agency shall respond to a request for correction or removal of separation records by providing the requesting law enforcement officer with a written response on the correction request form within 15 calendar days. The response shall include the reasons for the correction or removal of a portion of the separation records or the refusal to do so.

§ 241a.10. Amending separation records.

A law enforcement agency may submit corrected or amended separation records to the commission for a law enforcement officer who was previously employed by the agency and for whom the agency has previously submitted separation records.

(1) A law enforcement agency shall submit updated separation records in TACS on a form published by the commission, no more than 15 calendar days after the law enforcement agency becomes aware of a change in the disposition of any civil or ethical complaints or criminal charges listed on the original separation records form.

(2) Corrected or amended separation records shall be submitted in TACS. If a law enforcement agency submits corrected or amended separation records based on a request for correction from a law enforcement officer, the corrected or amended separation records shall be accompanied by the correction request form from the law enforcement officer.

(3) If a law enforcement agency submits corrected or amended separation records that are not based on a request from a law enforcement officer, the law enforcement agency shall notify the affected law enforcement officer.

(i) The law enforcement agency shall notify the affected law enforcement officer by certified mail that previously submitted separation records will be changed and submitted to the commission. **The notification must inform the officer of what corrections or amendments were made to the separation record.**

(ii) The law enforcement agency shall attach documentation of the notification to the affected law enforcement officer to the submission of the corrected or amended separation records in TACS.

§ 241a.11. Officer statement of disagreement.

A law enforcement officer who disagrees with a law enforcement agency's determination regarding the correction or removal of a portion of their separation records may submit a written statement of disagreement to the commission and to the previous employing law enforcement agency.

(1) The written statement of disagreement shall be submitted to the commission by the law enforcement officer in TACS and shall be accompanied by the correction request form that was submitted to and returned, in accordance with § 241a.9(b)(2) (relating to officer review), by the previous employing law enforcement agency.

(2) The law enforcement officer's written statement of disagreement will be provided by the commission with any future requests for the law enforcement officer's separation records.

(3) The previous employing law enforcement agency shall maintain the law enforcement officer's written statement of disagreement with and as part of the law enforcement officer's separation records maintained under the act.

Subchapter D. RECORD RETENTION

Sec.

241a.12. Record retention by law enforcement agency.

§ 241a.12. Record retention by law enforcement agency.

A law enforcement agency shall maintain employment information and records specified in 44 Pa.C.S. § 7308 (relating to maintenance of records) in accordance with the applicable retention and disposition schedules established by law.

Subchapter E. SECURITY OF RECORDS

Sec.

241a.13. Record security procedures.

§ 241a.13. Record security procedures.

(a) A law enforcement agency shall maintain employment information and records specified in 44 Pa.C.S. § 7308 (relating to maintenance of records) in accordance with security protocols to ensure the security of those records. At a minimum, a law enforcement agency shall do all of the following:

(1) Ensure only authorized personnel have access to employment information, including separation records.

(2) Maintain employment information, including separation records.

(3) Ensure employment information, including separation records, is accessible for dissemination to or review by a prospective law enforcement agency in accordance with 44 Pa.C.S. § 7304 (relating to disclosure of employment information).

(b) The commission will ensure TACS is in compliance with the most current *Criminal Justice Information Services Security Policy* from the Federal Bureau of Investigation.

PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

October 28, 2026

The Honorable George D. Bedwick
Chairman
Independent Regulatory Review Commission
555 Walnut Street, Suite 804
Harrisburg, PA 17101

Re: Final-Form Rulemaking
Municipal Police Officer's Education and Training Commission
Regulation Number 17-89 – Law Enforcement Background Investigations

Dear Chairman Bedwick:

Enclosed is a copy of a Final-Form regulation package of the Municipal Police Officer's Education and Training Commission pertaining to Law Enforcement Background Investigations.

The Municipal Police Officer's Education and Training Commission will be happy to provide whatever information the Commissioner may require during the course of its review of the rulemaking.

Sincerely,

/s/ Justin R. Albert
Lieutenant
Pennsylvania State Police
Policy and Legislative Affairs Office

Enclosure

RECEIVED
Independent Regulatory Review Commission
October 28, 2026

From: Batt, Michelle A.
To: Albert, Justin R
Subject: RE: Final-Form Rulemaking Act 57 (17-89)
Date: Wednesday, October 28, 2026 1:30:50 PM
Attachments: image001.png

Received, thank you!

Michelle Batt, Esq. *(She/Her/Hers)*
Legal Counsel
House Judiciary Committee
302 Main Capitol Building
P.O. Box 202149
Harrisburg, PA 17120-2149
Phone: 717-783-4046

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From: Albert, Justin R <jualbert@pa.gov>
Sent: Wednesday, October 28, 2026 1:26 PM
To: Batt, Michelle A. <MBatt@pahouse.net>
Subject: Final-Form Rulemaking Act 57 (17-89)
Importance: High

Good afternoon,

Attached is the Final-Form regulation package of the Municipal Police Officer's Education and Training Commission pertaining to Law Enforcement Background Investigations.

The Regulatory Review Act requires delivery of the proposed regulatory package to the Standing Committees of the General Assembly and the Independent Regulatory Review Commission (IRRC) on the same day, with IRRC receiving the package last. Confirmation of receipt by the Standing Committees is required for delivery to IRRC.

Please respond as soon as possible to this email indicating that you have received the attached Final-Form regulation package so that I can deliver the package to IRRC today, October 28, 26026.

Thank you,

Justin

Lieutenant Justin R. Albert | Policy and Legislative Affairs Office
Pennsylvania State Police | Executive and Administrative Offices
1800 Elmerton Avenue | Harrisburg, PA 17110
Phone: 717.705.7501

RECEIVED

Independent Regulatory
Review Commission

October 28, 2026

RECEIVED
Independent Regulatory Review Commission
October 28, 2026

From: Steven Smith
To: Albert, Justin R
Cc: Barr, Leslie E; Boardman, John E
Subject: RE: [EXTERNAL]: Final-Form Rulemaking Act 57 (17-89)
Date: Wednesday, October 28, 2026 10:22:36 AM

Justin:

This email shall serve as confirmation of receipt.

Best regards,

Steve

Steven T. Smith, Esq.
Judiciary Committee (R)
329 Ryan Office Building
717.260.6468
ssmith@pahousegop.com

From: Albert, Justin R <jualbert@pa.gov>
Sent: Wednesday, October 28, 2026 10:10 AM
To: Steven Smith <Ssmith@pahousegop.com>
Cc: Barr, Leslie E <lesbarr@pa.gov>; Boardman, John E <jboardman@pa.gov>
Subject: [EXTERNAL]: Final-Form Rulemaking Act 57 (17-89)
Importance: High

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October 28, 2026

From:	Wamsher, Taylor
To:	Albert, Justin R
Cc:	Barr, Leslie E; Boardman, John E
Subject:	RE: Final-Form Rulemaking Act 57 (17-89)
Date:	Wednesday, October 28, 2026 10:07:49 AM

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October 28, 2026

Received!

Thanks Justin,

Taylor

From: Albert, Justin R <jualbert@pa.gov>
Sent: Wednesday, October 28, 2026 10:03 AM
To: Wamsher, Taylor <twamsher@pasen.gov>
Cc: Barr, Leslie E <lesbarr@pa.gov>; Boardman, John E <jboardman@pa.gov>
Subject: Final-Form Rulemaking Act 57 (17-89)
Importance: High

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Independent Regulatory Review Commission
October 28, 2026

From:	Bruder, Stephen
To:	Albert, Justin R
Cc:	Barr, Leslie E; Boardman, John E
Subject:	RE: Final-Form Rulemaking Act 57 (17-89)
Date:	Wednesday, October 28, 2026 10:11:18 AM

Received. Confirmed. Thanks

From: Albert, Justin R <jualbert@pa.gov>
Sent: Wednesday, October 28, 2026 10:02 AM
To: Bruder, Stephen <stephen.bruder@pasenate.com>
Cc: Barr, Leslie E <lesbarr@pa.gov>; Boardman, John E <jboardman@pa.gov>
Subject: Final-Form Rulemaking Act 57 (17-89)
Importance: High

■ EXTERNAL EMAIL ■

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