

Pennsylvania State Police Testimony
House Judiciary Committee
September 1, 2010



REFERENCE: House Bill 2592 – House Bill 2593

Good morning Chairmen Caltagirone, Marsico and members of the House Judiciary Committee. The Pennsylvania State Police (PSP) would like to thank you for the opportunity to provide testimony regarding House Bill 2592 and House Bill 2593.

The intent of both of these bills is to increase safety for those who are attending and employed at institutions of higher learning such as community colleges, private colleges or universities and state-aided or state-related colleges and universities. We can all recount the tragic event that occurred on the campus of Virginia Tech University on April 16, 2007, that left 32 dead and 20 injured. The Virginia Tech incident is the deadliest shooting in US history. The victims were shot by Virginia Tech student Seung Hui Cho. Cho eventually turned the gun on himself.

The incident at Virginia Tech has provided the impetus for a movement to provide armed security at colleges and universities across the nation. While this sentiment is certainly understandable, we need to carefully consider our approach.

Both of these bills refer to 53 PA C.S., chapter 21, subchapter D, which relates directly to the Municipal Police Officers Education and Training Commission (MPOETC). MPOETC is responsible for establishing and maintaining training standards for municipal police officers and other police officers who have been legislatively placed under their authority. MPOETC is also responsible for the certification and decertification of municipal police officers. Officers must be certified by MPOETC prior to enforcing the Crimes Code, moving violations of the Vehicle Code, or carrying a firearm. Simply stated, MPOETC is responsible for the training and certification of all municipal officers in the Commonwealth. MPOETC falls under the purview of the PSP.

In 1993, the Pennsylvania General Assembly added campus police of state-related and state-aided institutions under the Department of Education to Act 120. These campus police officers are required to meet MPOETC certification requirements, but are not eligible for any reimbursement of expenses. There are five (5) state related schools: University of Pittsburgh, Penn State University, Penn Tech (related to Penn State), Temple University and Lincoln University. The two (2) state aided schools that fall under Act 120 are the University of Pennsylvania and Drexel University. The fourteen (14) colleges and universities under the State System of Higher Education were specifically excluded.

I want to now focus your attention on an individual discussion of the merits of each bill under consideration. House Bill 2592 would authorize an additional eighty-seven (87) private colleges and universities to be eligible for certification by MPOETC. This legislation would create numerous additional police agencies within areas already covered by a police department. This would greatly increase the number of officers to be trained and certified by MPOETC. In recent years, the MPOETC budget has been decreased by 78% due to the struggling economy. These dramatic budgetary cutbacks make it difficult for MPOETC to adequately assume increased responsibilities for new departments, especially at a time when ever diminishing public dollars can be better leveraged through regionalization of police forces and streamlining of operations.

Another concern regarding this bill deals with lack of oversight of the campus police departments. As drafted, there is no governmental authority which will oversee these newly created private police departments. Instead, the departments would fall under the responsibility and oversight of the president of the college or university. Will the

college or university president, or their designee, have the training, background and insight as to how to manage a police department? Will campus incidents be reported properly?

Another important issue to consider is the legal liability for actions taken by the campus police officers. Any act by a campus police officer performed on the grounds of the college or university would obviously be the responsibility of that particular college or university. The question arises when the campus police officer would leave the grounds of the college or university to provide assistance to a municipal or state police officer. Who would assume liability for any actions taken by a campus police officer in those instances?

House Bill 2593 also raises some important policy issues that should be addressed. House Bill 2593 amends the Administrative Code of 1929 and would make private and community college law enforcement personnel "campus police" as long as they complete Act 120 training only. The key issue under this bill is that it requires only Act 120 training in order to be considered a campus police officer. There is no requirement that the campus police officer be certified by an independent regulatory body like MPOETC, as is the requirement for every municipal law enforcement officer in the Commonwealth. Presently, when MPOETC certifies a municipal police officer, in addition to making sure the officer has met the necessary training requirements, it checks the background of the officer, including firearms training, any record of criminal misconduct, physical fitness, and mental fitness for duty. MPOETC also has continual oversight of the training and fitness of the municipal police officers throughout their careers to ensure that each officer maintains the ability to adequately perform their law

enforcement duties. None of these important safeguards would be in place under House bill 2593. The onus would be entirely on the college or university president to keep an eye on each officer's daily fitness for duty.

House Bill 2593 also amends Title 22, Detectives and Private Police, to include the appointment of non-profit Educational Corporations to designate police officers for the corporation. Like the campus police officers discussed above, these designated police officers would be legally authorized to perform the full duties of a police officer after successful completion of Act 120 training. Again, there is no requirement that these individuals be required to be certified by MPOETC. In essence, these individuals would receive special consideration and receive less regulatory oversight, a privilege which is not afforded to any other police officer in the Commonwealth.

Moreover, the bill exacerbates the situation by mandating that these private campus police agencies be considered as criminal justice agencies after the officers are sworn in, and the Act 120 training is completed. As such, they would be automatically eligible to obtain certification from MPOETC without further background investigation.

In addition to these concerns, House Bill 2593 also contains some language which is confusing. We are referring to the language contained under subsection (g) (2) that states "qualified training to serve as a law enforcement officer shall be deemed acceptable for MPOETC certification upon completion of necessary paperwork or written examination". MPOETC certification requires paperwork and a written examination, not either of these options. There are individuals that received training outside of

Pennsylvania who MPOETC would deny because they did not obtain certification or work as police officers in the state where trained

Again, the PSP would like to thank you for the opportunity to provide testimony regarding these two (2) very important bills. We appreciate the chance to participate in this discussion. We would certainly make the Executive Director of the Municipal Police Officer's Education and Training Commission available to assist with further discussions regarding these bills.