



FRANKLIN & MARSHALL COLLEGE DEPARTMENT OF PUBLIC SAFETY.

Dear Honorable Members of the Pennsylvania House of Representatives,

I would like to begin by thanking you for agreeing to sponsor this important legislation and for taking the time to allow those of us who have a vested interest to present our testimony.

Introduction

I am Lieutenant Dennis H. Walters of the Franklin & Marshall College Department of Public Safety, a 25 member college police organization in the city of Lancaster. I have served the law enforcement profession for the last 46 years. I have been a municipal police officer and police chief and served as the chief inspector of a federal police organization. I was an international consultant to police and security departments and an instructor at the Federal Law Enforcement Training Center and the Canadian Police College. I hold a masters degree in legal studies.

Serving in a private college police operation for the last six years, I am convinced that the time has come when it is imperative that the legal status of police officers in private colleges and universities in Pennsylvania be upgraded to meet contemporary standards in terms of authority, training, and interoperability with local community police counterparts, and with state-owned and state-aided college and university police.

Situational Background

In the Commonwealth of Pennsylvania, there are 14 state universities, 4 state-related universities and 8 private state-aided universities that by definition qualify to maintain police officer certifications under the terms of the Municipal Police Officer's Education and Training Commission (MPOETC). In stark contrast, there are 88 private campus police departments that are not qualified to maintain police officer certifications through MPOETC. In other words, 77 percent of the campus police agencies in Pennsylvania cannot offer nor maintain the same level of professional certification and training updates as their state college counterparts despite doing the same job.

As it stands the almost 1,000 officers, some sworn and some unsworn, employed by these 88 private institutions have no training requirements or state oversight with regards to minimal qualifications for being on-duty or for ongoing training.

Need for and Benefits of House Bills 2592 and 2593

Despite the lack of legislative requirements, many private college and universities maintain police organizations that operate with very high standards for selection, training and operational oversight. Lehigh University, Carnegie Mellon University, Duquesne University, Bucknell University and Franklin & Marshall College are among those private institutions of higher education that demand nothing less than the highest level of professionalism in their police operations. Their officers are required to meet or exceed all standards required of their municipal police counterparts.

While many of our peer private institutions of higher education strive to operate as professional police organizations, the various laws that have evolved over many years to govern private policing in Pennsylvania are vague, contradictory and inadequate in today's demanding environment. In order to become a private college or university police officer requires no more than an oath of office being sworn in the county in which the officer will be employed, and forty hours of training if he or she is going to carry a firearm or other lethal weapon. Under the current Private Detectives Act, 22 P.S. § 501, along with the Lethal Weapons Training Act, P.L. 705, No. 235 of 1974, with only that minimal exposure to training, the private college or university police officer is empowered to carry out the duties of every other police officer in Pennsylvania.

A police officer in a state-owned or state-aided college or university must have training that parallels their municipal counterparts, A private college or university police officer is empowered to investigate crimes, arrest suspect individuals and conduct complex police tasks with no minimal training beyond the forty-hour Act 235 course.

Based on the current requirements, a state or local municipal police officer must complete a minimum of 750 hours of academy training before assuming his or her duties. A private college or university police officer can assume parallel duties with only 40 hours of training.

Contrary to private educational institutions, state-owned and state aided campus police are required to have their officers MPOETC academy trained under Title 71 P.S. § 646 (2007). Campus police officers at private colleges and universities in Pennsylvania face the same life-threatening situations as state college counterparts. They are also exposed to the same risks and requirements in their daily law enforcement activities; however 70 percent of campus police agencies in Pennsylvania cannot offer their officers the same level of certification as their state college counterparts.

In today's litigious society, this double standard not only fails to serve the needs of the private higher education community in Pennsylvania, it exposes the private college or university to potential liability if the institution chooses not to train its police commensurate with the standards set for state-owned or state-aided college counterparts.

HB 2593 eliminates that disparity in required training by mandating that a private college or university police officer has the same level of professional training as the state or local municipal police, or that of a state-owned or state-aided college police department.

While 22 P.S. § 501 states that a person sworn in as a private college or university police officer has the powers of any police officer in the Commonwealth, it does not reference any particular statute that lists those powers. It can be assumed that the statute means the powers of a Pennsylvania State Trooper under Title 71, Sections 250-252, or the powers of a municipal police officer under Title 42, Sections 8951-8954, however it is unclear. We can add to the ambiguity by assuming that the private college or university police officer has the same powers as a police officer in a city of the third class under Title 53, Section 37005, a township police officer under Title 53, Section 56403 or a borough police officer under Title 53, Section 46121. In other words, there is no clear definition of the powers of the private college or university police officer.

The proposed language of HB 2592 and HB 2593 eliminates that ambiguity by stating clearly that the private college or university police officer has the same powers of state or municipal counterparts as long as they receive the same level of training and MPOETC certification.

22 P.S. § 501 (c) states that the officer in a college or university capacity can exercise his or her powers "in and upon, and in the immediate vicinity of the property" of the employing institution. Yet, no one can define exactly what the "immediate vicinity" means. For colleges or universities that have properties throughout the community, the police officer is required to frequently decide whether the adjacent vicinity stops at the property line, across the street or within a certain number of feet from the scene of a violation. HB 2593 clearly sets the 500 yard rule in place for private campus police just as it does for our municipal counterparts and state - owned college police.

Title 53 recognizes any college which has a campus police department, as stated in section 2416 of the Act of April 9, 1929 (P.L. 177, No 175) known as the Administrative Code of 1929, certified by the Attorney General as a "criminal justice agency" in 18 PA C.S. §9102 (relating to definitions). The term does not include the state-owned College or universities. Section 2416.1 defines Campus Police Powers and Duties. In Paragraph 5, it states that campus police "shall exercise the same powers as are exercised under authority of law or ordinance of the police of the municipalities in which the college or university is located, but not limited to those powers conferred pursuant to 42 PA. C. S. Ch 89, Subchapter D."

While this language in Title 53 authorizes private college and university police to exercise the same powers as their municipal counterparts, there is no provision for the officers to be certified once they have completed their training. Even more incredible is the fact that they can exercise the same powers with almost no training at all.

Currently, a private college or university police officer who graduates from a certified academy is not permitted to be certified, even though the officer has just completed the same training as other members of the academy class. The officer is not even permitted to take the final examination.

Many of us in the private college community do require that our officers be Title 53 certified when we hire them or that they complete a Title 53 police academy program as part of their probationary employment. We require that the officers maintain their annual MPOETC mandatory updates just as the municipal police do. In fact, some police officers at private campuses receive more training than their municipal counterparts. At Franklin & Marshall College, our police officers are required to complete 28 training modules annually. In addition, they are sent to many outside training courses to enhance their skills in various aspects of policing. Several of our officers who had prior police experience with municipal agencies have expressed surprise at the amount of training we require.

At the time of this writing, the Franklin & Marshall College Department of Public Safety is preparing to be assessed by the Pennsylvania Chiefs of Police Association for accreditation. Of the more than 1,200 police departments in Pennsylvania, less than 70 are accredited. Three private university police departments have attained accreditation and numerous others are

preparing for their final assessment to become accredited. Those university police departments that are currently accredited; Lehigh University, Carnegie Mellon University and Duquesne University, not only meet all MPOETC requirements, but all requirements for accreditation. At the same time, their officers cannot attain MPOETC certification.

For those college or university police departments that are aspiring to achieve accreditation, Pennsylvania Chiefs of Police Association Accreditation Standard 1.10.3 mandates a written directive requiring all sworn members of the law enforcement agency to successfully complete a certified basic law enforcement/police training course prior to assuming their law enforcement duties.

It states that "All newly hired municipal police officers, as defined by the Municipal Police Officers' Education and Training Act, as amended, (53 Pa. C.S.A. § 2161-2167) shall comply with all requirements of the Pennsylvania Municipal Police Officers' Education and Training Commission." It further states, "This Standard applies to all law enforcement officers in Pennsylvania when the law enforcement agency is striving to achieve accreditation under this program."

Accreditation Standard 4.9.1(b) also requires MPOETC certification for all officers, not just those of municipal police departments.

For those private college or university police departments that are accredited or want to be accredited, the officers have completed an Act 120 (Title 53) academy training as required by MPOETC, but cannot achieve MPOETC certification. This dichotomy is contradictory to what we are striving to achieve, peer status with the state-owned or state aided college or university police organizations.

One of the concerns the MPOETC administrators have dealt with was the issue that some private campus police departments might want MPOETC sponsored training to be paid for by MPOETC. HB 2593 corrects both the certification and fee issues. It offers certification for the police officer and stipulates the college or university pays the costs of training. At a time when MPOETC funding has been reduced significantly, enabling and encouraging police from private educational institutions to be certified would add to the MPOETC revenue stream.

In some counties, the local private college or university police department may be one of the largest and most well equipped departments in the region. At the same time, the current status of the college or university police prohibits them from being part of interagency agreements for resource sharing during emergency operations. They cannot participate in drug or gang task forces, tactical teams or traffic enforcement cooperatives. At the same time, they are likely sites for the greatest need for such services in their county. HB 2593 will overcome that obstacle and allow the resources of private college or university police to be offered to the community in which they are a critical part.

Lancaster County will be the fourth county in the Commonwealth to have a specially trained Crisis Intervention Team for properly dealing with mentally unstable individuals. Franklin &

Marshall College Department of Public Safety has broken the private v. public police mold by being one of the two police departments in the county coordinating the support for this new initiative. The other is a township police agency. Once trained, our officers can be called upon to respond to mental health emergencies anywhere in the county. Yet, these same officers (all Title 53 academy graduates) cannot attain MPOETC certification; one of whom is a sergeant who served 20 years with the Philadelphia Police Department.

HB 2593 not only establishes that the private college or university police officer can be MPOETC certified, it provides opportunities for private campus police units to be able to participate in mutual aid agreements with their local public counterparts. This not only serves as an opportunity for the private educational institution police to enhance their skills and knowledge, it offers the neighboring community additional resources when an unexpected need arises. With cutbacks in many local police department budgets, this makes another professionally training police resource available to respond to the community in which the college or university is an important partner.

One issue that is likely to arise in any resource sharing situation is that of liability. HB 2593 reduces that concern by providing that the police officers from the local private college or university have the same level of immunity offered to the public police officer under the terms of 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police jurisdiction) and entitles them to all the rights and benefits accruing under that law.

Summary

Courts in recent years have attempted to interpret the needs and powers of private college or university police. In many cases, they recognized the value of this law enforcement resource.

In *Commonwealth v. Holderman*, 425 A. 2nd, 752, 284 PA. Super 161. 71 P.S. §646 the court agreed that "governing the powers of campus police officers --- to make extraterritorial arrests, are not penal statutes and therefore must be liberally construed to effect their objectives and promote justice."

The court in *Commonwealth v. Lockridge*, 810 A.2d 1191 (Pa. 2002), relied on the definition of "law enforcement officer" provided by PA. R. Crim. P. 103, which defines "law enforcement officer" as "any person who is by law given the power to enforce the law when acting within the scope of that person's employment."

Following the decision in *Commonwealth v. Leet*, 641 A. 2d 299 (PA 1994) the legislature added a definition of "police officer" to 18 C.S. 103. "A police officer is one who has successfully completed the requirements under Act 120 (Title 53)." HB 2593 reinforces that definition.

It is clear that the status of "campus police" varies with the language of statute, its interpretation and court references. It is just as clear that private campus police in Pennsylvania must be able to advance their status as "law enforcement officers" and obtain a level of training that is comparable to those of state-owned college campus police.

HB 2593 provides for the needs of private colleges and universities that are dedicated to professional standards, peer recognition and legal protection afforded to all other public and state-owned college police services in the Commonwealth of Pennsylvania.

Thank you for sponsoring HB2592 and HB2593.