



FRATERNAL ORDER OF POLICE

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Brothers and Sisters,

Last year, the Pennsylvania General Assembly enacted new policing legislation now known as Act 59 and Act 57. MPOETC was charged with creating regulations to implement these acts effective July 14, 2021. Below is a brief summary of these acts and their accompanying regulations.

Act 59 was drafted as a non-punitive measure to enable police officers and police departments to secure post-traumatic stress injury (PTSI) evaluations for officers at no cost and with no risk to the officers' continued employment. As we know all too well, PTSI is a silent killer of police officers and other public safety professionals. Act 59 and its supporting temporary regulations require departments to place police officers who are experiencing PTSI symptoms on administrative duty until they can resume their normal duties. The law does not allow police departments to terminate or punish officers who suffer from PTSI, and it protects the continued employment of those officers while they get the rehabilitation necessary to continue their careers.

The Pennsylvania State Lodge continues to press for other much-needed improvements for our sick and injured members, including Workers' Compensation protections for members suffering from PTSI. For now, however, we believe that Act 59, if administered as written and as intended, provides an opportunity for officers to seek help for mental health issues with no loss of pay, benefits, or employment.

Act 57 requires thorough background reporting and investigations for prospective law enforcement applicants. Law enforcement agencies must keep records of the reasons for a police officer's separation from service, including criminal records, civil suits, and any other ethical complaints against the officer. Any law enforcement agency that engages in the hiring of new officers must request employment information from the applicant's prior law enforcement employers. When doing so, the prospective employer must submit a release signed by the applicant authorizing the release of such records.

MPOETC is charged with maintaining a database of separation records for access by any law enforcement agency, but the database information is exempt from disclosure under the Right to Know Law. Act 57 also contains other provisions, including officers' appeal rights concerning the information provided by an agency in the separation report and mandatory reporting to MPOETC if an applicant is hired and had been separated from employment for certain specific reasons.

As is the case with any new legislation, there will be questions and issues arising as these acts go into effect. The State Lodge will be providing additional information on this topic over the next few weeks via the State Lodge website. In the meantime, we advise that you consult with your lodge solicitor or the State Lodge to assist you any further on this issue.