

Date: November 19, 2007

Subject: Statewide Advisory Board Meeting  
Pennsylvania Fire & Emergency Services Institute

To: Pennsylvania Fire Police Association  
Executive Board

From: Michael K. DalPezzo  
Loyal Minion

I attended the meeting on November 18<sup>th</sup> at the request of President George Morton. I gave the same report as presented at the Seven Valleys meeting. The report was greeted with praise and agreement.

I was able to stay for the entire first session, skipping the dinner and the door prizes. Representative Solobay of the Legislative Fire Caucus was in attendance. He cornered me before I could depart and we had a fruitful discussion. He feels the points we addressed can be solved through the legislative process.

A briefing on SR 60 was held:

-Tax credits are at a stalemate.

-Any legislation requiring money will need to be presented with a plan on where to find the money. Some of the organizations are looking at what other states are doing, for example, Virginia has a program that adds \$4 to each vehicle registration fee to fund EMS.

-Line of duty deaths are being expanded to cover HazMat responders. They still know others (such as fire police and juniors) may not be covered.

The municipal government bills that mandate providing an appropriate level of funding for fire and EMS by municipalities goes to the Senate next week.

-COSTARS, which is the interagency appropriations at reduced cost is running great.

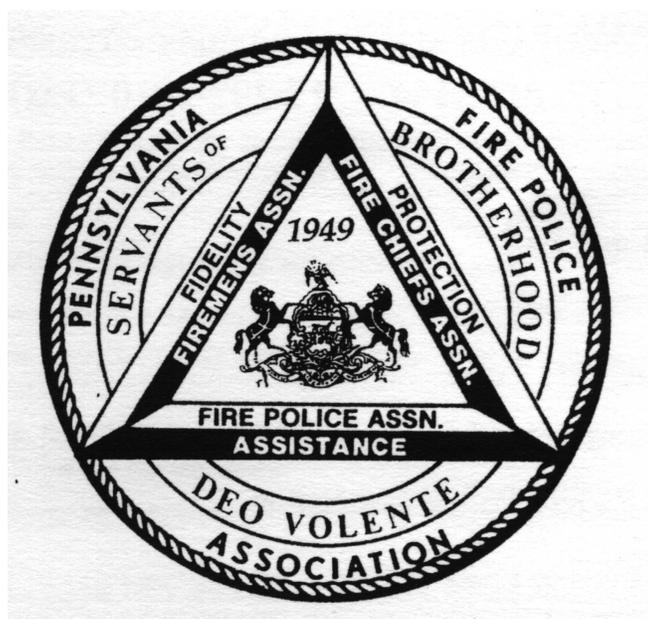
The PFESI will be conducting a membership drive. Individuals can join for \$10 (and up) while organizations can join at \$100, \$250, or \$500.

A survey conducted by telephone and letter to Fire Departments revealed that the preferred method of communicating between the FDs and PFESI and our legislators is via e-mail. The legislators also requested this method. A new system is being instituted and is expected to be operational by the May Fire Expo whereby legislation that affects the Fire Service will be sent out to FDs by the PFESI. The FD can then choose which legislators to send their comments to, and forward their comments via e-mail.

Enclosed you will find the Draft I sent to the legislators, along with an explanation of what the draft is all about. This was furnished to Dave to include in the website.

Although I didn't stay, we were provided a dinner at this session, and just like last year, it was provided by the Somerset-Cambria Fire Police Association.

# Issues for the Pennsylvania State Legislature Regarding Fire Police



Pennsylvania  
Fire Police Association

Fire Police in Pennsylvania have a varied history. Initially created as security guards for Fire Department equipment against damage and theft, Fire Police evolved over time into primarily a traffic control faction.

The act which created Fire Police in 1941 set forth a group of Fire Department personnel, and under their support, which works for the municipality through the police department.

The following are issues that have a dramatic affect on Fire Police:

- ∅ Adoption of the Federal Manual on Uniform Traffic Control Devices (MUTCD) without complementing state regulations/legislation
  
- ∅ Minimal support from the Fire Service
- ∅ Fire Police are forced to use their personal vehicles
- ∅ Fireman's Relief and Grant money not made available
  
- ∅ Minimal support from Police Departments
- ∅ Only a small fraction even know they supervise Fire Police
- ∅ No joint training sessions
- ∅ Refusal to prosecute for violations
- ∅
  
- ∅ Confused chain-of-command
- ∅ Fire Department personnel working under the police
  
- ∅ Minimal support from municipalities
- ∅
  
- ∅ Hatred of the public toward Fire Police Officers
  
- ∅ Training unstandardized; very poor
  
- ∅ Minimum training / competencies not established
  
- ∅ Radio Communications between agencies is poor or nonexistent

These issues have been identified by the Pennsylvania Fire Police Association and confirmed via discussions at meetings for years. Additionally, a statewide survey was conducted in late 2006 (appendage a) that reinforced these topics.

From the survey, too, a new movement is afoot regarding tax breaks, gasoline reimbursements, education credits, equipment funding, and other financial inducements. This paper will concentrate on non-funded ideas.

Several of these issues are intertwined. As such, we will provide a topic and some brief information regarding the topic and related issues.

## Adoption of the MUTCD without accompanying state legislation

Act 229 of 2002 defined both an “active work zone” and a “work zone”, with no mention of incident management which follows the same rules. A mandatory suspension was added to speeding through a work zone, but not an incident scene. Section 6123 of the Vehicle Code now seems 100% geared only toward work zones. Lastly, the change of Section 3732 (Relating to Homicide by Vehicle) enhanced the penalties of this Section in an active work zone, but not in an incident scene...

In all of the above, the common thread is that Work Zones and Incident Scenes are different; yet, court decisions state otherwise. Part VI of the MUTCD is very clear that emergency organizations such as police and fire are required to follow the rules.

PennDOT fully adopted the federal MUTCD on February 4, 2006. This change had been in the works for several years. Eliminated was 67 CS 203, Work Zone Traffic Control. This Chapter made numerous references to incident scenes and was a valuable tool. Chapter 213, Work Zone Traffic Control, is 203's replacement. Chapter 213 is absolutely worthless for incident scenes and emergency personnel. The Pennsylvania Fire Police sent correspondence to PennDOT in January, 2007, regarding the diagrams and their application. While PennDOT has been very personable and friendly, nothing has been forthcoming.

Section 3327 of the Vehicle Code, Duty of Driver in Emergency Response Areas was designed to aid in the safety of incident workers. Incredibly, the definition of “Emergency Response Area” excludes Fire Police! By requiring Fire Police to be in the “...area in which emergency service responders render emergency assistance to individuals on or near a roadway.” the law fails to take into account that Fire Police may need to establish detours literally miles away from where someone is having a bandage applied to their boo-boo.

Section 3327 also requires a written report be submitted to the police within 48 hours of an observed violation. The Pennsylvania Fire Police Association has adopted a form for this purpose. Our question is why the strict time limit is imposed. Considering that 2/3 of the state's police departments are part-time, it is not inconceivable that an officer will not be on for the next 48 hours. Additionally, it seems the Section is designed to preclude prosecution. The officer must first believe the report “establishes a basis” for prosecution, then the District Judge also must **prejudge** the case before issuing a summons - why all of the intense scrutiny? Nowhere else in the Vehicle Code is this type of language used. Court cases have typically struck down arbitrary time requirements, but why give the defense attorney fodder?

### **Solution:**

Adopt a Chapter of Title 67 which provides the (short-term) diagrams from 67 CS 213 with the correct signage (Emergency Scene Ahead instead of Road Work Ahead), plus provides general set-up and tear-down guidelines for Incident Management. The Chapter would incorporate some of the same language and definitions of the MUTCD or simply refer to the appropriate sections, such as reduction in emergency light usage at scenes, flares being only temporary use near the scene, the three classifications, etc.

Revise the Vehicle Code to instill consistency and to repair the damage already done. While these amendments are in place, omnibus amendments regarding emergency services in general could easily be made - such as the current requirement for a Fire Truck to have its siren activated while obtaining water from a fire hydrant (Section 3105 requires visual and audible signals both be activated in order to park illegally. This has been a known error for 30 years, and has been brought to the legislatures attention on several occasions without corrective action.) Eliminate the scrutiny references and the 48 hour requirement for a violation report.

### **Minimal Support from the Fire Departments**

To Fire Departments, Fire Police are the red-headed bastard stepchild. Fire Police are members of the Fire Departments - sometimes that in itself can be difficult. We hear of situations where applicants who wish to be firefighters are processed immediately while Fire Police can be put off for 6-8 months. There is no priority for a Fire Department to seek persons *qualified* to become Fire Police officers. One FD expelled a Fire Police officer because he had a neatly trimmed beard - the FD does not permit beards. This beard-free policy is based on a person wearing a self-contained breathing apparatus (SCBA) and is designed for firefighter safety. Fire Police do not don SCBA's; however, the FD maintained a "one-size-fits-all" approach.

Horror stories abound from across the state. One FD spent \$2200 for a mural on their Tanker commemorating 9/11 - a very worthy expense; however, then denied a \$1700 expense for Fire Police to install an arrow board on their vehicle. This FD runs on one limited access highway and one high-volume US Route. Another FD decided Fire Police themselves would have to do their own fund-raising. When the Fire Police account started growing, the FD decided separate accounts are not permitted by the By-Laws and absorbed the money. When the Fire Police then went to upgrade their traffic cones to the correct size (28"), the FD denied the expense as unnecessary.

### **Solution**

Bear in mind, the above is just the tip of the iceberg. As such, an overhaul to Fire Police, with mandated minimum standards needs to be the first step. The second step is a culture change to the Fire Service. Unfortunately, this, too, will be through mandating requirements of providing minimum equipment - an unpopular endeavor. Third is to mandate minimum training standards for anyone who wants to hang stars, bugles, or bars on their uniforms. Without the FD officers having the big picture, they will continue to do business as usual. There are NO current standards in Pennsylvania for FD officers. Most are placed into their positions by a popularity contest rather than through knowledge and ability. This must change.

## **Fire Police use their personal vehicles**

Years ago in Pennsylvania, police officers used their own cars in many small local police departments. After Act 120 (relating to police training and standards), this practice has died. Firefighters do not bring personally-owned tankers, ladder trucks or engines to combat fires, and EMS providers do not use their personal cars to take patients to the hospital.

Yet, Fire Police in over 70% of the Commonwealth do not have the use of a Fire Department, Police Department, or municipal vehicle to perform their duties. Rather, these men and women are expected to load gear - often purchased from their own pockets - into their personal vehicles to perform their jobs.

Equipped with a blue light, the Fire Police officers' personal vehicle is not permitted to break any law going to the scene, is not permitted to park illegally, and is not permitted to use a Traffic Control Emergency Directional Light Assembly. If struck, the individual officer will have an insurance nightmare, probably resulting in higher rates, and they will be without a vehicle until a replacement is found or theirs is repaired.

Fire Departments have complained about not having space on their overburdened vehicles to place traffic-control equipment. They also state they are reluctant to purchase equipment to have it placed in personal vehicles when they cannot assure that an individual officer will respond on the call. The solution is to have a vehicle where the necessary equipment is stocked, therefore available for the call.

The use of a department-owned vehicle, with professional graphics provide a professional appearance, red emergency lighting provides privileges not afforded to blue-lighters, and equipment is at hand. In actuality, three vehicles would not be unreasonable per incident - one at each Traffic Control Point (assuming only two are staffed), plus the supervisor to check on the posts, backlogs, relief, and other supervisory duties.

### **Solution:**

Obviously, vehicles for traffic duties are needed. However, this takes incredible amounts of money when applied statewide. The very least that should occur is a usage fee paid to the Fire Police officers who are forced to use their personal vehicles. Also, private vehicles should ALL be permitted the privileges of red lights and Traffic Control Emergency Directional Light Assemblies. Blue lights in this state are abused and meaningless and should be eliminated.

### **No access to Money:** (self-explanatory)

### **Solution:**

Designate a minimum percentage of all monies provided by the State, whether through Grants or Relief, to purchase required and needed Fire Police equipment.

## **Minimal Support from Police Departments**

At a recent executive board meeting of the Pennsylvania Chiefs of Police Association, only one of 40 Police Chiefs knew they supervise Fire Police. At a meeting with the Pennsylvania State Police, the Major, three Captains and Sergeant were all likewise unfamiliar of this fact. Fire Police are considered by police officers as part of the Fire Department. Therefore, trainings, after-action reviews, and general operational procedures are not joint.

When a violation occurs, most police officers have never seen the Report of Violation Form developed by the Pennsylvania Fire Police Association. Since *they* did not observe the violation, most are reluctant to file charges, especially in the situation where the violator adamantly denies the allegation or claims “confusion” or “poor direction” by the Fire Police officer.

### **Solution:**

Education. Pure and simple. An article has already been furnished to the Pennsylvania Chiefs of Police Association for their next quarterly newsletter. A block of instruction provided to the State Police Cadets and to Municipal trainees would resolve the on-scene issues in most cases. Education relating to violations to the Fire Police officers would also eliminate frivolous or inappropriate requests for prosecution.

## **Confused Chain of Command**

One issue that has plagued Fire Police is that they are to be supported by the Fire Department yet work for Police. While a student of management or Incident Command will fully understand this, the typical lay workers of both Fire Departments and Police do not. Fire Police, too, are usually untrained in this area, and statements indicating not only a lack of good PR skills but a lack of understanding of management are frequent.

It has been suggested by the State Fire Commissioner that Fire Police be removed to Police Departments. Unfortunately, there are literally hundreds of police departments in Pennsylvania, and the consistency sought would be impossible. Also, as the bulk of police departments are part-time, this, too, would provide an unsuitable system. The State Police are so understaffed as to be laughable, and would not have even one NCO per Station who could be the “chief” of the County Fire Police and be able to dedicate the necessary time to this task.

The **solution** to this problem is unknown. While education can certainly show how this “dual” boss system is not, in fact a conflict, the underlying problem is much larger. The Pennsylvania Fire Police Association is setting up for a series of meetings between PSP, the Pa Chiefs of Police, the Fire Commissioner, and even the Pennsylvania Sheriffs Association to explore options on this dilemma.

## **Lack of Municipal Support**

Pennsylvania is fragmented into over 2500 municipalities. In order to become a representative of any of these independent governments, all one needs is to win an election. There is no requirement for any business knowledge or management experience or familiarity with the emergency services. This creates a dangerous situation that cannot be remedied by education, as education for our elected officials is not mandatory.

Both the Pennsylvania State Association of Boros and the Pennsylvania State Association of Township Supervisors were provided with articles relating to Fire Police for their periodicals. Nothing was published.

Anecdotal experiences range from municipalities who provided a vehicle and some other equipment to a completely untrained crew, to municipalities who have never been contacted by their FDs to confirm nominees - and when told of the proper procedure have ignored the advice.

### **Solution:**

The Association must be more aggressive in its contacts to various organizations, both on a state, local, and federal tier. The Association feels it would be very beneficial if the issues in this correspondence were addressed in order to better state our position.

Oddly too, more lawsuits against municipalities usually have the desired affect of making knowledge a priority (not that we are endorsing such actions...).

## **The Public's Attitude**

The public leaves 10 minutes late for a 20 minute commute, expecting to make up the time during the trip. They run into a Fire Police Officer detouring traffic for an incident and suddenly their lateness is the officer's fault. The feeling from Fire Police officers is that they are volunteering their time to aid the public, they should not have to take the public's anger, insults, and various oral and physical exclamations of disrespect.

Coupled closely to this is when a road is closed for an incident people will stop in the traffic lane, nearly causing crashes, to ask what's going on. Or, they will argue with Fire Police that they need to use that route, regardless of the barricades, signs, cones, etc. These actions are very frustrating to the Fire Police. When an aggressive driver does ignore directions and the police do not issue or file a citation, it becomes more than just frustrating.

It's one thing to require a paid police officer to be thick skinned and be subject to verbal abuse, it's another for volunteers. This has been one of the issues raised time and again, with many excellent, qualified volunteers simply quitting. Some Fire Police Officers have talked about going on strike - to publically draw attention to the various issues. This would affect the Fire Company's lack of respect and support of the Fire Police, it would leave the public hanging, and make the State and local police perform all of the odious duties currently being performed by the Fire Police. The belief is that once people

realize how much Fire Police actually do, they would step back and gain a measure of appreciation. The Pennsylvania Fire Police position in this is one of opposition, due to the strong potential of a firefighter, police officer, EMS provider, or member of the public being killed. That said, something dramatic seems to be in order.

### **Solution:**

The concept of public safety TV and radio spots has been explored; however, these are cost prohibitive and money has always been an issue. Therefore, we must rate this solution as being unknown.

### **Training & Certification**

Until recently, a Fire Police officer could not receive certification for what they did. Certification is now available through the York County Fire Police Association and the International Fire Service Accreditation Congress (IFSAC). The IFSAC program is directly based on the York County program. However, since training standards are not unified statewide, even Fire Police *instructors* have failed the exam!

The Pennsylvania Fire Police Association held a meeting, January, 2006, with the IFSAC representative and other interested parties. At issue was the written test not having been validated. The representative was to send the questions to the two panel experts for review; however, this has not occurred, despite numerous communications.

In 1999 the National Fire Police Summit was held in Halfway, Maryland. A Committee was formed to revise training. They were proceeding very well, until a political in-fight disbanded the group. When the Pennsylvania Fire Police Association attempted to resurrect the program, they were threatened with legal action. Even the intervention of the State Fire Commissioner failed to bring a resolution. The subsequent revision to the programs was bemoaned by the Curriculum Development Specialist of the State Fire Academy as nothing more than putting the 1992 outdated course into PowerPoint slide show. (Remember, he had to approve the program. Why was it approved if it was so poor?) As a further illustrative example, the Advanced Fire Police course does not even *mention* traffic control, despite it being the main task of the Fire Police!

The Fire Police training programs are subject to extremely broad-based "MSA's" or "minimum standards of accreditation". These standards are so broad that every instructor can use their own program to teach the class, instead of being standardized. A test is required for each class; yet, only two or three instructors test students.

In the fall of 2006, a training program regarding traffic control based on the Federal MUTCD was provided to the Fire Academy for their review and approval. The instructor is a recognized expert on the topic and has been utilized previously by the State to develop classes. This course has languished with no adoption, no rejection for cause, no request for modification, or other contact. In contrast, the State does have a program of traffic control in place. This has been found to be in violation of the MUTCD and has been decried by the State Police as being poor and actually dangerous. Yet, it is still being taught, with the better course sitting on hold, and our responders at risk.

Mandated training has also become a hot topic. Currently, no mandates exist outside of basic HazMat training (but no one is checking on this requirement!). Each Fire Department, and each municipality has the ability to mandate the training they desire, but with well over 2500 entities, this has no consistency. Basic Fire Police was mandated by 93% of the respondents of the survey. From there, the percentages dropped dramatically for the other available courses. Classes such as Incident Command and the National Incident Management System (NIMS) were virtually ignored, despite Fire Police working in the ICS environment.

A side issue with mandated training is “how much”. Some persons, groups, and government entities would have Fire Police attending hundreds of hours, while others are against the entire concept. The Pennsylvania Fire Police Association believes about 40 hours of training initially, with refreshers being taken periodically, is sufficient.

PennDOT provides free training through the Local Technical Assistance Program (LTAP - [www.dot7.state.pa.us/LTAP/](http://www.dot7.state.pa.us/LTAP/)). When one Fire Police Officer signed up to attend these classes, it was discovered that no other Fire Police Officer in the state had ever asked to attend.

### **Solution:**

Traffic Control is a Police function. Remove the training from the auspices of the State Fire Academy and allow police trainers to conduct the course(s). Obtain input from various experts in traffic control as well as experienced providers to provide a single, unified curriculum. Conduct the studies to determine what is absolutely vital to the task, and what is fluff. Develop a core curriculum, able to be presented over a period of time (usually training is two nights per week, sometimes a weekend). Develop advance and specialized programs that could be used as “continuing education”.

A side observation is that regular police officers seem untrained themselves in traffic control. So by using police trainers, the needs of the regular officers would be augmented.

Additionally, advertise the LTAP to Fire Police officers statewide.

### **Radio Communications**

Too many incidents at various parts of the State have shown that radio communications at emergency scenes is grossly poor. Everyone has not only their own frequencies, but also often use different frequency bands (such as low band, high band, UHF, T-band, etc.).

Coupled with the hardware issue is the often-observed issue of permissions. The State Police, for example, cover the vast majority of the Commonwealth in terms of area. Yet, they refuse to provide permission for Fire Police to use a common channel.

This is such a simple issue, with a simple **solution**. Legislate requirements that every County PSAP and every PSP unit and Station have full communications.

## **Conclusion**

We stated this brief would stay away from money issues, and as much as possible, we have. Yet, providing funding allows for a better draw which allows appropriate, trained and capable providers to be selected.

The vast majority of the issues here are simply a culture shift. When Act 120 was first proposed then passed, panic gripped the “small-town” police communities. To the small-town volunteer ambulance services, the passage of Act 45 created much alarm. The Deputy Sheriff’s Training Act, the Constable Training, and other similar legislation has likewise caused trepidation.

Any legislation designed to be an improvement to Fire Police will be scary. FDs and police believe that even a poorly-trained, incompetent Fire Police Officer is better than none. We disagree.

Any change to the Fire Police Act will most likely reduce the number of Fire Police Officers due to the ones lacking being eliminated. While the result will be better trained and equipped officers, the “business-as-usual” approach will need scrapped.

Fire Police need redesigned. We need to discover and determine what role Fire Police will play in the future, and start working toward that goal now. Nothing should be overlooked or not considered just because it seems farfetched. Numerous States have “reserve officers” or “reserve deputies” that have full police powers but are volunteers (but with no out-of-pocket expenses. This appears as a viable solution; however, will be a shock and require legislative hurdles to be overcome.

One thing is for sure - Fire Police may be extinct within the next decade if things are not done...