

Legislative Budget and Finance Committee

A Study of the Statutory Cap on the Pennsylvania State Police

Report Comments by Stephen Fickes, Project Manager
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Good morning. Mr. Chairman and members of the Committee, it is a pleasure to be here today to discuss the results of our study of the Pennsylvania State Police. Before I begin my comments, I want to acknowledge the extraordinary circumstances we find ourselves. When we began this study nearly six months ago, the world, our nation, and our commonwealth was in a different condition. Today, the challenges that have befallen all of us from the coronavirus pandemic are distressing for everyone. And while there are still many unknowns, one reassuring factor is that Pennsylvania has a highly trained and capable state-wide police force.

Interestingly, the origins of the Pennsylvania State Police pre-dates that of Pennsylvania's last major pandemic, the 1918 Spanish Flu. In 1905, Governor Samuel Pennypacker signed legislation authorizing a new type of state-wide police force, which was designed to control mob violence, aid in patrolling farm areas, protecting the wildlife, and apprehending criminals. From these purposeful beginnings more than a century ago, the PSP has become the largest accredited state police force in the United States.

The PSP was a unique type of police force in 1905. And, while there was general acceptance to creating the agency, there was also a fear that the force could become too strong, and as a result, a complement "cap" was placed on the PSP. This cap essentially limited the number of troopers who could serve in the PSP ranks. This cap has evolved over the last century, sometimes allowing for more troopers to be hired, and other times, excluding certain positions from the cap, such as troopers who patrol the turnpike. More important to our discussions today, the statutory cap on the PSP was the basis for Senate Resolution 105, which directed us to conduct this study of the PSP.

By way of background information, this is not our first review of the PSP. In 1996, we conducted the first-ever review of the PSP's complement and reported on organizational changes. In 1998, we conducted a review of the PSP's information technology strategic plan and several planned investments to make troopers more efficient. And, in 2001, we conducted a follow-up of our 1996 report, which led to the last increase in the PSP's statutory cap, now set at 4,310 troopers. I will revisit this figure

a bit later, but before I do, I want to provide some additional background information about the PSP, its responsibilities, and organizational structure.

The PSP is a paramilitary organization but is not associated with the armed forces. The PSP has jurisdiction in all political subdivisions within the commonwealth and provides full-time or part-time police service to approximately 67 percent of the commonwealth's municipalities, 61 percent of the commonwealth's roadways, 82 percent of the commonwealth's total land area, and 26 percent of the commonwealth's total population.

Rank is a significant aspect within the PSP's command structure. The PSP is headed by a State Police Commissioner, who holds the rank of colonel, and is appointed by the Governor. There are three deputy commissioners, who are also appointed by the Governor, and hold the rank of lieutenant colonel. Majors, captains, lieutenants, sergeants, and corporals complete the supervisory ranks within the PSP; however, collectively these positions are all considered to be "troopers" or enlisted members of the PSP. A trooper is any individual in active status and who has graduated from the PSP Training Academy (Academy), the PSP's training school.

In keeping with the PSP's paramilitary structure, troopers are deployed state-wide on an area, troop, and station basis. There are four areas, 16 troops, and 88 stations. Additionally, troopers are located at Pennsylvania-based gaming facilities. Unlike municipal police forces, which are generally limited to their assigned municipal boundaries, the PSP's authority covers all municipal boundaries. As such, the PSP is the largest law enforcement agency in the commonwealth.

As I mentioned earlier, there have been periodic increases to the PSP's complement of troopers. The last numerical increase occurred in 2001, which followed our complement review. At that time, the PSP complement was set at 4,310 troopers. While this was the last numerical increase to the cap, a statutory change in 2013 did also exclude certain trooper positions from the cap. As a result, the total authorized complement stands at 4,719 troopers as of December 31, 2019.

Just as Pennsylvania is different today than it was just six months ago, the commonwealth is arguably much different than it was in 2001. We found that the PSP is increasingly being asked to provide either full-time or part-time law enforcement coverage to municipalities. Municipalities continue to shift between the type of law enforcement coverage used, but generally speaking, the PSP is providing full-time police coverage to 65 more municipalities than it did in 2001.

With more coverage area and responsibilities, incidents are also increasing for the PSP. Since 2001, we found that there has been a 38 percent increase in incidents. We also found that the number of mandated activities assigned to the PSP, which are frequently assigned to the PSP without an increase in funding or personnel, strains the agency's resources. For example, since our last report, we were able to identify 55 additional activities assigned to the PSP.

We also reviewed budgetary influences on the PSP since our 2001 report. We found that the PSP's total program funding has increased by 144 percent since 2001. As has been the case for decades, the PSP are funded primarily from the state's Motor License Fund and the General Fund. In recent years, funding from the Motor License Fund has increased faster than that of the General Fund. However, recent legislation has changed this balance. Funding from the Motor License Fund to the PSP is incrementally decreasing by four percent annually (through FY 2027-28). After FY 2027-28, PSP funding from the MLF will be capped at \$500 million.

While all these issues add to the context of what has happened with PSP staffing since our last report, the more immediate question is what are the PSP's staffing needs? This question is a complicated one, because law enforcement staffing is unlike other workforce assessments, in part because public safety cannot be easily quantified or measured. As a result, when evaluating the PSP's complement needs, the analysis can be very confusing and often lacks the precision that might be expected if the PSP operated like a manufacturing unit.

Nevertheless, we evaluated the PSP's effective vacancy rate, which includes actual vacancies as well as vacancies which are the result of troopers who are unavailable for duty because of military deployment or injury. We used the effective vacancy rate because it is a more meaningful analysis as to the operational readiness of the agency. Our results showed that for the past three consecutive years, the PSP has had a very high effective vacancy rate, nearing 15 percent.

Another critical influence on the PSP's manpower assessment is how the PSP deploys its enlisted personnel. In this respect, the PSP uses complicated methodologies known as the State Trooper Allocation Formula, or STAF, and the Criminal Investigation Unit Staffing Formula. These two formulas work in tandem and serve as a quantifiable basis for deploying both patrol troopers and criminal investigators, which are the main duties of the Department. We reviewed these methodologies and found them to be reasonable and appropriate practices for allocating enlisted personnel, which was also confirmed by the Commission on Accreditation for Law Enforcement Agencies.

A key component of STAF is the ratio of obligated/unobligated time. These are law enforcement terms and may seem confusing to anyone outside of law enforcement. Obligated time is essentially reactive police work—this includes responding to incidents, training, court time, etc. Unobligated time is the time that a trooper has remaining after obligated time is calculated. Increased unobligated time leads to proactive patrol time, which leads to better response times and more preemptive policing. The PSP strives to balance obligated and unobligated time at 50 percent, respectively. And, currently, Department-wide, obligated times are at the designated goal. The PSP reached this goal through strategic investments in technology, the addition of troopers in 2001, adding more troopers with gaming expansion in 2007, as well as the hiring of hundreds of civilian police communication officers. These measures had the net effect of moving troopers back to patrol.

Reducing obligated time is a commendable outcome for the PSP, but that condition is unsustainable in the near future. Simply put, the PSP faces a situation in the next five years whereby more troopers will be retiring than new replacement cadets/troopers can be channeled through training requirements at the PSP Academy. We found as many as 411 cadets/troopers will be needed to maintain today's complement levels. Without new troopers to replace retiring troopers, obligated rates will undoubtedly increase. In turn, response times and officer safety are negatively impacted.

We also spoke with PSP commanders who commanded PSP functions that are excluded from the cap. These operational areas include patrol of the turnpike, PSP staffing at gaming facilities, and supervision of the liquor control enforcement duties. From our analysis, we found that an additional 116 troopers are needed to aid these mandated responsibilities. However, because all trooper positions, whether "capped" or "uncapped," begin as cadets, ensuring an adequate supply of recruits through the PSP Academy will be of primary importance to meeting this need.

Senate Resolution 105 also asked us to determine cost estimates for adding troopers to the PSP ranks. We calculated these costs using the same methodology we used in 2001. This methodology factors first year costs, which includes 28 weeks as a cadet at the PSP Academy and 24 weeks as a trooper in the field. We also factored equipment and related fixed costs, such as equipment and vehicles. We found that first-year costs for a cadet/trooper are \$145,782.

This figure is a conservative estimate as it does not include administrative costs in processing cadet applications, testing, as well as field trainer costs. Although comparisons to our 2001 report and the projected trooper costs may not be precise,

today's estimate is a 108 percent increase from our 2001 estimate. This percentage point increase was driven by large increases in salaries/wages and benefits.

We also determined the average graduating class size for the PSP over the past 19 years. We found that on average the PSP graduates 81 cadets per class. Using this figure as a basis for future projections, we calculated that a typical cadet class may cost as much as \$11.8 million in the first year. The PSP is projecting larger cadet classes, with as many as 120 cadets, in the next few classes; consequently, our estimate per cadet class may be on the low side. Regardless, while \$11.8 million is a substantial cost to the PSP, it is more than offset by the savings resulting from retiring troopers. In support of this point, we found that the average total compensation per year for all PSP troopers (salary/benefits/overtime) is \$185,187, or approximately \$40,000 more than our calculated first-year costs of approximately \$145,000.

While we believe there is a need for additional troopers, especially to meet the expected retirements and the increasing additional mandates assigned to the PSP, there are more immediate and pressing concerns. These concerns are not linear--one leading to the next--but are instead the most immediate issues that require attention.

First, the current capacity of the PSP Academy is outdated and undersized for the PSP's needs. As I mentioned earlier, our calculations found that the PSP could have a net loss of as many as 411 troopers in the next five years. Stated differently, the PSP cannot train cadets as fast as it may lose troopers to retirements within the next five years. Moreover, the current PSP Academy lacks sufficient and adequate housing for cadets. Working with the Department of General Services, the PSP has an Academy expansion plan in development, and if the new Academy is constructed, it will expand capacity to 240 cadets—more than double the existing capacity. We recommend that the PSP's renovation/construction plan must remain a high priority concern for the future strength of the Department.

Second, there is an ongoing funding problem with the PSP. Recent mandated cutbacks in Motor License Fund revenue will create a need for a new PSP funding source. Further, because PSP costs have historically increased at a rate that is faster than the Consumer Price Index, in addition to the loss of Motor License Fund funding, additional revenue will also be needed to meet the PSP's total program funding needs. The PSP has at least one new funding source through a five-year pilot project that monitors traffic speeds in certain dedicated work zones. The PSP will receive a portion of any fine revenue, and a further portion of that revenue is dedicated specifically for cadet training. However, for PSP funding purposes this program is only for three years, and based on fiscal estimates we obtained, will generate a total of approximately \$15.1 million over three years. As

such, this funding will provide funding for approximately 104 cadets/troopers, under our assumptions.

Finally, while we believe there is a need to increase the statutory cap on enlisted members from its current 4,310 positions, it is difficult to calculate what that exact number should be. This condition was present in our original 1996 complement study, the 2001 follow-up study, and again in this report. There are simply too many variables to determine what the exact “sweet spot” should be for determining the statutory cap; consequently, setting the cap is essentially a “best guess.” Moreover, research on law enforcement staffing indicates that staffing is really a matter of ensuring public safety and officer safety, within the constraints of available funding and service expectation. Accordingly, a larger question emerges from our analysis, which is *there a need for the statutory cap on enlisted members?*

The short answer to that question is no. Based on our review, we can find no reasonable basis for maintaining the statutory cap on the PSP. Moreover, in the long-term, having a cap likely restricts the PSP’s strategic planning capability because it must always factor the arbitrary nature of the cap in its operational needs. Further, in the short term—and perhaps more importantly—the cap could be an issue that impacts officer safety. For example, if troopers are dispersed too thinly, or over a wider geographic territory, they are then unavailable to quickly provide backup when needed.

Our report outlines several additional reasons for eliminating the cap, but in the end the reasons all point to the rather subjective nature of the cap. And, while the factors for creating the cap in 1905 were very real, those conditions are no longer present today.

To be clear, while we believe the statutory cap is a rather archaic means of complement control for the PSP, we do see value in periodic complement reviews. As documented by our first complement review, which was conducted a generation ago, the PSP is an ever-evolving law enforcement agency, which must constantly change and adapt with societal, economic, and political influences. What does not change, however, is the public’s need for highly skilled, trained, and prepared troopers. Along these lines, instead of a statutory cap on enlisted personnel, we recommend that the General Assembly require periodic complement reviews every three to five years. These reviews should evaluate the PSP and its ratio of obligated time, as well as other concerns such as funding, training capacity, and expected retirements.

In closing, I would like to thank the PSP for the cooperation we received during this study. In particular, Colonel Evanchick, the Commissioner of the State Police welcomed our review and provided full access to the department. I would also like to thank Major

Patrick Brinkley and his staff from the Bureau of Research and Development, who were extremely helpful in answering our data requests. I would like to thank our staff; specifically, analysts Amy Hockenberry and Joe Asare, who were instrumental in completing this study. At this time, I would be happy to answer any questions you may have.