

## LETHAL WEAPONS TRAINING ACT

### 4.01 PURPOSE

This regulation establishes procedures and responsibilities for processing, training, and certifying applicants under the provisions of the Lethal Weapons Training Act (LWTA).

### 4.02 DEFINITIONS

- A. Act: The Act of October 10, 1974, known as the Lethal Weapons Training Act, P.L. 705, No. 235, as amended, 22 Pa.C.S. 41 et seq.
- B. Full-time Police Officer: A person who is employed by a city, borough, town, township, or county police department in Pennsylvania (including sheriffs, deputy sheriffs and county detectives) assigned to law enforcement duties and who works a minimum of 200 calendar days per year. The term "full-time police officer" does not include persons employed to check parking meters or to perform only administrative duties, nor does it include auxiliary and fire police.
- C. Lethal Weapons: Includes, but is not limited to, firearms and other weapons calculated to produce death or serious bodily harm. A concealed billy club is a lethal weapon. A non-concealed billy club shall also be considered a lethal weapon. Chemical Mace or any similar substance shall not be considered as lethal weapons for the purposes of the Act.
- D. Privately-Employed Agent: A person who is employed for the purpose of providing watch guard, protective patrol, detective or criminal investigative services either for another for a fee or for their employer. Privately-employed agents do not include local, state, or federal government employees or those police officers commissioned by the Governor under the Act of November 23, 1982, P.L. 686, No. 196 (formerly the Act of February 27, 1865, P.L. 225, No. 228) while performing their public/railroad employment duties. The term shall include a police officer of a municipal authority.
- E. Program: The education and training program established, administered, or approved by the Commissioner pursuant to the Act.

- F. Retired Police Officer: A non-disability retired police officer of a Pennsylvania municipality or the Pennsylvania State Police who was a full-time police officer for at least 20 years and retired in good standing.
- G. Training and Certification System (TACS): A web-based application, linked to the Pennsylvania State Police (PSP) public website, which allows persons/entities to create individual profiles and apply for certification and renewals as a Lethal Weapons Agent, Instructor, or School under the Act. TACS allows Municipal Police Officers' Education and Training Commission (MPOETC) personnel to review applications and all submitted documentation to determine eligibility for certification. TACS provides access for Schools to create classes for training, enroll eligible students, and submit grades.

#### 4.03 RESPONSIBILITIES

- A. Commissioner: The Commissioner is responsible for implementing, administering, and approving education and training programs in accordance with the provisions of the Act.
- B. Executive Director, MPOETC:
  - 1. Evaluate and develop the basic training program to ensure the requirements of the Act are being met.
  - 2. Monitor training programs and courses to identify and correct deficiencies.
  - 3. Assist universities, colleges, community colleges, institutes, etc., with the development of specialized courses in law enforcement, handling lethal weapons, and protecting the rights of citizens.
  - 4. Ensure that all programs and courses are approved by the Commissioner, prior to implementation.
  - 5. Evaluate and develop the process to approve Applications for New School Certification in accordance with the following:
    - a. Ensure the new school has an approved School Director responsible for the overall operation of the school.

- b. Review the submitted course curriculum to include all content, lesson plans, or other submitted materials and ensure that the materials are consistent with the requirements of approved training.
  - c. Ensure an inspection of the school's physical location, classroom, and range are conducted and meet the requirements of approved training.
- 6. Evaluate and develop the process to review all Instructor Applications submitted in the TACS application to ensure they contain a resume of qualifications and include supporting documentation to prove that the applicant meets the instructor requirements as listed in the Act and its corresponding regulations.
  - 7. Evaluate and develop the process to review the Application for Agent Certification, submitted in the TACS application.
  - 8. Evaluate and develop the equivalent training waiver policy and any supplementary or remedial training programs that may be required.
  - 9. Evaluate and develop the appeal process for agent, schools, and instructor applicants who have been denied certification or have had their certification revoked/suspended.
  - 10. Evaluate and develop the process for the yearly inspection of certified schools. The results of such inspections shall be recorded within the TACS application along with any attachments received or utilized during the inspection.

#### 4.04 APPLICATION PROCESS

##### A. Lethal Weapons Agent Initial Application:

- 1. Initial applications for Lethal Weapons Agents shall be submitted electronically to the Certification Unit, MPOETC, via the TACS application. A non-refundable application fee of \$50 is required to be paid via credit card with the initial application.

2. Exemptions: Current full-time police officers are eligible for an exemption. Retired Commonwealth municipal and State Police officers who meet the requirements under the Act may be eligible for an exemption. During the application process, the applicant answers specific exemption questions in TACS and submits a Lethal Weapons Exemption Form, Form SP 8-200C (Appendage A). Substantiating documents must be uploaded in the application. No determinations regarding exemptions will be made until the application has been submitted and reviewed by the Certification Unit, MPOETC.
3. Waivers: A waiver of academic training may be granted for applicants who have completed a formal course of instruction comparable to the academic course prescribed by the Commissioner within five years prior to the receipt of the application by the Certification Unit, MPOETC. A waiver of firearms training may be granted for applicants who have completed a formal combat firearms course of instruction comparable to the firearms course prescribed by the Commissioner within one year prior to receipt of the application by the Certification Unit, MPOETC. Applicants must provide supporting documentation with their application if they are seeking a waiver. Certification Unit staff will determine waiver eligibility prior to processing the application.
4. Fingerprinting: Once the initial application has been submitted, the applicant will receive an automated email with instructions for scheduling a time to be fingerprinted from the vendor contracted to process fingerprints for LWTA applicants. The applicant must be fingerprinted at one of the approved vendor locations. The applicant will not receive the results of their fingerprints; these will be forwarded directly to the Certification Unit, MPOETC, for review.
5. Examinations: Once the initial application has been submitted, the applicant will receive a confirmation email from the Certification Unit, MPOETC, with instructions to download and print the Physical Examination, Form SP 8-200A (Appendage B), Vision Examination, Form SP 8-200V (Appendage C), and Psychological Examination, Form SP 8-200B (Appendage D). Applicants must undergo a physical,

vision, and psychological examination at their own expense. The physicians must possess a valid Pennsylvania medical license, and the physicians must submit completed and signed forms to the Certification Unit, MPOETC.

6. Photographs: In addition to the steps above, if the applicant does not possess a valid Pennsylvania driver's license, or they are an out-of-state resident, they must submit two passport-size photographs to the Certification Unit, MPOETC.
7. Once the Certification Unit, MPOETC, has received the application, fingerprints, and physical, vision, and psychological examination, the applicant will receive an approval or denial notification via email.
8. Training: If approved, the applicant must schedule and complete training at an Act 235-certified school within six months of the date of the approval letter. A list of certified schools can be found on the MPOETC website, at <https://mpoetc.psp.pa.gov/Pages/mpoetc.aspx>. It is the applicant's responsibility to schedule the training after receiving the approval letter.
9. Upon successful completion of the training and grade submission by the school, the applicant will be required to pay a \$30 certification fee via credit card payment by logging into TACS with their last name, date of birth, and social security number. Once payment is made, a certification card will be mailed to the applicant.

B. Lethal Weapons Agent Renewal Application:

1. Agent certifications are valid for five years. An agent who is currently certified must apply for renewal within six months of their current certification expiration date, which is listed on the agent's certification card. Agents will be notified via email eight months prior to their expiration date. A non-refundable \$30 renewal application fee is required to be paid via credit card within the TACS application. Failure to submit a renewal application by the expiration date of certification will result in the agent no longer being certified and they will be required to submit an initial application to restart the certification process.

2. Correspondence will be sent to the email address provided by the applicant, notifying them of the status of their application and providing instructions for further action.
3. Upon receipt of official notification that the applicant has been approved, the applicant can schedule training at an Act 235-certified school. A list of certified schools can be found on the MPOETC website, at <https://mpoetc.psp.pa.gov/Pages/mpoetc.aspx>. It is the applicant's responsibility to schedule the training after receiving the approval letter
4. Upon successful completion of the training and grade submission by the school, the applicant will receive their new certification card in the mail.

C. Instructor Application:

1. Initial applications for instructors shall be submitted electronically to the Professional Standards Unit, MPOETC, via the TACS application. A non-refundable application fee of \$27.50 is required to be paid via credit card with the initial application.
2. Academic Instructor: Applicants applying for certification as an academic instructor must include college/university diploma/transcripts that show compliance with the education standards outlined in 37 Pa. Code § 21.41(3)(i) and documentary evidence of instructor experience.
3. Skills Instructor: Applicants applying for certification as a skills instructor must include documentary evidence of the education standards and instructor experience in martial arts/physical education outlined in 37 Pa. Code § 21.41(3)(ii).
4. Firearms Instructor: Applicants applying for certification as a firearms instructor must include a copy of the firearms instructor certification as a police firearms instructor or its equivalent that was issued by one of the recognized organizations listed in 37 Pa. Code § 21.41(3)(iii).
5. Fingerprinting: Once the initial application has been submitted, the applicant will receive an automated email

with instructions for scheduling a time to be fingerprinted from the vendor contracted to process fingerprints for LWTA applicants. The applicant must be fingerprinted at one of the approved vendor locations. The applicant will not receive the results of their fingerprints; these will be forwarded directly to the Professional Standards Unit, MPOETC, for review.

6. Once the application is approved, a notice will be sent to the applicant via TACS. Certificates are available to print within TACS.

D. School/Director Application:

1. Persons or entities interested in operating a school to train lethal weapons agents shall submit a request via phone, mail, email, or fax to the Professional Standards Unit, MPOETC.
2. Upon receipt of the request, the Professional Standards Unit, MPOETC, will provide a packet of information as well as instructions to submit a School Application and Director Application via TACS. The packet of information will include:
  - a. Lethal Weapons Training Act, Act 235 of 1974.
  - b. 37 PA Code Chapter 21, Administration of the Lethal Weapons Training Program.
  - c. Basic and Renewal Training Syllabus.
  - d. Excerpt from an Instructor Training Course depicting a sample lesson plan.
3. Fingerprinting: Once the initial Director Application has been submitted, the applicant will receive an automated email with instructions for scheduling a time to be fingerprinted from the vendor contracted to process fingerprints for LWTA applicants. The applicant must be fingerprinted at one of the approved vendor locations. The applicant will not receive the results of their fingerprints; they will be forwarded directly to the Professional Standards Unit, MPOETC, for review.

4. Once the Director Application is approved, a notice will be sent to the applicant via TACS. Certificates are available to print within TACS.
5. The School Application must include:
  - a. Approval document for the range facility issued by the National Rifle Association.
  - b. Lease or other document executed between the school applicant and owner/operator of the range facility.
  - c. School's Articles of Incorporation or Certificate of Fictitious Name registration.
6. After review of the completed school application and required documents, a comprehensive on-site school inspection will be conducted by the Department. The inspection will include an examination of the physical facilities, instructional equipment, records, files, lesson plans, course materials, and final examinations.
7. The Commissioner will issue a written approval once it is determined that all requirements are satisfied.
8. Annual school inspections will be conducted once per calendar year by a Department representative.

E. Denials:

The Commissioner may issue a denial of an application for certification if the applicant is unqualified under the Act. Written notice of the adverse determination will be provided via email, First Class, and Certified Mail, and will advise the applicant of their right to a hearing.

4.05 SUSPENSION/REVOICATION

Persons or entities who are certified under the Act may have their certification suspended/revoked for cause.

- A. Proposed suspension/revocation: Persons or entities will receive notice of a proposed suspension/revocation via email, First Class, and Certified Mail. The notice will provide an

explanation of the basis for the proposed suspension/revocation and their right to an administrative hearing. If the notified party timely requests a hearing, the proposed suspension/revocation will be stayed pending the outcome of the hearing and the Commissioner's final determination.

- B. Summary suspension/revocation: Cases in which the Commissioner determines a person or entity has a significant change of circumstances or has committed a serious violation of the Act which constitutes a clear and present danger to the citizens of the Commonwealth, a notice of a summary suspension/revocation will be issued via email, First Class, and Certified Mail. The notice will provide the basis of the suspension/revocation and the right to a hearing within 15 days of the suspension/revocation.

#### 4.06 HEARINGS

Administrative hearings will be scheduled by the Certification Unit, MPOETC, and notifications will be sent via email, First Class, and Certified Mail to all parties of the proceedings.

- A. A hearing examiner will be appointed by the Commissioner to conduct the administrative hearings. After the presentation of evidence, cross-examination, objections, motions, and argument, the hearing examiner will review any brief submitted by either party, as well as the hearing transcripts, and provide a written report to the Commissioner. The report will contain findings of facts, conclusions of law, and a recommendation.
- B. The Commissioner will review the report from the hearing examiner and provide a final determination to all affected parties. If the Commissioner's determination adversely affects the applicant, certified person, or entity, that party will be notified of the right to appeal to the Commonwealth Court.

#### 4.07 PSP STATION PERSONNEL

- A. Personnel shall not accept LWTA applications unless specific arrangements have been made in advance by MPOETC. Individuals arriving on Station requesting information or an application for certification under LWTA shall be directed to the PSP public website, [www.psp.pa.gov](http://www.psp.pa.gov), "Lethal Weapons Training" link.

- B. MPOETC utilizes an approved vendor for collecting fingerprints for applications under LWTA. Personnel shall not conduct fingerprinting of LWTA applicants.