

# STATEMENTS OF POLICY

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 17a]

#### Guidelines for Approval of Optional Training Programs for Humane Society Police Officers

The Department of Agriculture (Department), Bureau of Animal Industry, hereby adopts Chapter 17a (relating to interim guidelines for approval of optional training programs for humane society police officers).

The Humane Society Police Officer Enforcement Act (act) (3 P. S. §§ 456.1—456.7), became effective on February 10, 1995. In summary, the act defines "humane society police officers," sets forth minimum training requirements and requires that humane society police officers seek and obtain appointment by a court of common pleas, under 22 Pa.C.S. § 501 (relating to appointment by nonprofit corporations), to act as police officers.

The act distinguishes between the initial and the continuous training of humane society police officers. Under section 4(b) and (c) of the act (3 P. S. § 456.4(b) and (c)), an initial training program shall include a total of at least 56 hours of instruction in various prescribed areas of study, while a continuous training program must include at least 6 hours of instruction every 2 years from the completion of initial training.

The act describes two acceptable sources for the required training: the first source is a training program established by a land grant institution. This training program is currently being developed jointly by the Pennsylvania State University and the University of Missouri—both of which are land grant institutions. These institutions have prepared the basic course curriculum and have consulted with various agricultural and humane organizations regarding appropriate course content. This training program is expected to be available in early 1996.

The second source for the training required under the act is an optional training program developed and administered by an accredited college, accredited university, accredited community college or another public or private entity with respect to which the Department has granted its approval.

The Department is authorized under the act to consider whether optional training programs for which approval is required and sought meet the applicable training requirements in section 4(a)—(c) of the act. Although section 4(g) of the act requires that the Department ultimately adopt formal regulations establishing standards and procedures for approving optional training programs, it allows the Department to implement interim guidelines until it adopts these formal regulations.

This statement of policy imposes the same content requirements upon an optional training program as are set forth in section 4(c) of the act. An applicant for Departmental approval of an optional training program must submit a detailed syllabus of the program and document, to the Department's satisfaction, that the training program meets or exceeds the requirements of the act.

It is foreseeable that the regulations which the Department ultimately promulgates with respect to the act will

set forth optional training program course requirements in greater detail than does this statement of policy. The act requires instruction in certain areas with respect to which the Department needs to acquire additional experience or expertise. These areas include enforcement of cruelty to animals laws, Pennsylvania rules of criminal law and criminal procedure, and others.

This statement of policy prescribes a step-by-step process by which public or private entities can apply for and obtain the Department's approval of optional training programs for humane society police officers.

Sections 17a.5 and 17a.6 (relating to contents of a complete application; and syllabus) provide applicants with a clear statement of the information required of them.

Sections 17a.8 and 17a.11 (relating to incomplete application; and disapproval) allow the Department to assist the applicant in obtaining necessary documentation and in developing a program that meets the requirements of the act.

Section 17a.15 (relating to monitoring by the Department) allows the Department to attend and monitor the presentation of an approved optional training program, and thereby gain experience which should prove useful in the development of the regulations which are ultimately required under the act.

In summary, this statement of policy serves several important purposes for the Department and for entities affected by the act:

(1) First, it brings the Department into compliance with section 4(g) of the act.

(2) Second, it provides colleges, universities, community colleges and other public or private entities with a mechanism by which to seek and obtain Departmental approval of an optional training program, as these entities are required to do under section 4(g) of the act.

(3) Third, the Department's written approval of a particular optional training program should assist an individual who completes the program and applies to an appropriate court to be appointed a humane society police officer under 22 Pa.C.S. § 501 to demonstrate that the training program met the minimum requirements of the act.

(4) Fourth, it provides the Department with an experiential basis with respect to topics with which it is not currently familiar, and with which it should become familiar prior to promulgating regulations.

Through the administration of this statement of policy, the Department will acquire additional experience in the required areas of instruction for humane society police officer training programs. The Department will allow persons seeking Departmental approval of optional training programs to be as innovative as possible within the confines of the act. The Department can then review and compare approved optional training programs; and the regulations which the Department ultimately adopts will reflect the Department's experience in administering this statement of policy.

In addition, the Department can consider incorporating or adopting the best features of the forthcoming Pennsylvania State University/University of Missouri training program into the regulations which it ultimately adopts.

This statement of policy does not constitute a rule or regulation, does not have the force and effect of law and is not intended to circumscribe any administrative discretion afforded the Department under the act with respect to the approval of optional training programs.

#### *Fiscal Impact*

##### *Commonwealth*

The statement of policy does not impose costs and has no fiscal impact upon the Commonwealth.

##### *Political Subdivisions*

The statement of policy does not impose costs and has no fiscal impact on political subdivisions.

##### *Private Sector*

This statement of policy does not impose costs and has no fiscal impact on the private sector.

##### *General Public*

The statement of policy does not impose costs and has no fiscal impact on the general public.

#### *Contact Person*

Further information is available by contacting Max A. Van Buskirk, Jr., VMD, Director, Bureau of Animal Industry, 2301 North Cameron Street, Harrisburg, PA 17110-9408, telephone: (717) 783-5301.

#### *Effective Date*

This statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

CHARLES C. BROSIUS,  
*Secretary*

(*Editor's Note:* The regulations of the Department, 7 Pa. Code, are amended by adding a statement of policy at §§ 17a.1—17a.15 (relating to interim guidelines for approval of optional training programs for humane society officers—statement of policy).)

**Fiscal Note:** 2-98. No fiscal impact; (8) recommends adoption.

### **Annex A**

#### **TITLE 7. AGRICULTURE**

#### **PART I. ANIMAL INDUSTRY**

#### **CHAPTER 17a. INTERIM GUIDELINES FOR APPROVAL OF OPTIONAL TRAINING PROGRAMS FOR HUMANE SOCIETY POLICE OFFICERS—STATEMENT OF POLICY**

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#### **§ 17a.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Humane Society Police Officer Enforcement Act (3 P. S. §§ 456.1—456.7).

*Agricultural animal*—A bovine animal, equine animal, sheep, goat, pig, poultry, bird, fowl, wild or semiwild animal or fish or other aquatic animal which is being raised, kept, transported or utilized for the purpose of or under agricultural production.

*Agricultural production*—The production and preparation for market of agricultural animals and their products and of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.

*Approved optional training program*—An optional training program that meets the relevant requirements of section 4(a)—(c) of the act (3 P. S. § 456.4(a)—(c)) and has been approved by the Department under authority of section 4(g) of the act.

*Cruelty to animals laws*—The provisions of 18 Pa.C.S. § 5511 (relating to cruelty to animals).

*Department*—The Department of Agriculture of the Commonwealth.

*Humane society police officer*—A person appointed under 22 Pa.C.S. § 501 (relating to appointment by non-profit corporations) to act as a police officer for a society or association for the prevention of cruelty to animals. The term includes a person who is an agent of a society or association for the prevention of cruelty to animals as "agent" is used in 18 Pa.C.S. § 5511.

*Land grant institution*—Educational institutions located within or outside the geographic boundaries of this Commonwealth which have received a grant of public land made by the Congress of the United States for the support of education under the Morrill Act (7 U.S.C.A. §§ 301—308).

*Optional training program*—A course of instruction for the initial or continuous training of humane society police officers that is developed and administered by an accredited college, an accredited university, an accredited community college or any other public or private entity, and that satisfies the training requirements of section 4(a)—(c) of the act.

*Optional training program for the continuous training of humane society police officers*—An optional training program that meets the requirements of section 4(c)(5) of the act.

*Optional training program for the initial training of humane society police officers*—An optional training program that meets the requirements of section 4(c)(1)—(4) of the act.

*Person*—A corporation, partnership, association, government entity (other than the Commonwealth), estate, trust, foundation, natural person, society or association for the prevention of cruelty to animals, college, university or community college.

*Society or association for the prevention of cruelty to animals*—A nonprofit society or association incorporated under 15 Pa.C.S. Chapter 53, Subchapter A (relating to general provisions) for the purpose of the prevention of cruelty to animals.

#### **§ 17a.2. Objectives.**

This chapter sets forth interim guidelines establishing standards and procedures for approving those optional training programs that require the Department's approval under section 4(g) of the act (3 P. S. § 456.4(g)). The act requires optional training programs to address a wide

variety of subjects—including several subjects with respect to which the Department has no experiential basis. Although it is the objective of this chapter to establish a procedure by which optional training programs can be approved, this procedure is also intended to provide the Department with the experience necessary to develop more detailed regulations on the subject at some later date. The Department intends these interim guidelines to be flexible—requiring only that an optional training program meet the specific training requirements in section 4(a)—(c) of the act.

**§ 17a.3. Approval of optional training programs required.**

A person seeking to offer an optional training program that has been developed and would be administered by an accredited college, accredited university, accredited community college or another public or private entity shall apply for and obtain the approval of the Department prior to administering the optional training program. A training program that has been developed by a land grant institution does not require the approval of the Department.

**§ 17a.4. Obtaining an application.**

A person may obtain an application for approval of an optional training program from the following address, upon request: Department of Agriculture, Bureau of Animal Industry, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

**§ 17a.5. Contents of a complete application.**

A complete application for approval of an optional training program shall contain the following:

- (1) The complete name, address and telephone number of the applicant.
- (2) A statement of whether the applicant seeks approval of an optional training program for the “initial” training, the “continuous” training, or both the “initial” and “continuous” training of humane society police officers.
- (3) The name of the person who is expected to be an instructor at the optional training program, together with a statement of the relevant qualifications, education and experience of that person and a statement of the general subject matter upon which that person would instruct.
- (4) A complete and detailed syllabus of the optional training program, as described in § 17a.6 (relating to syllabus).
- (5) A copy of any book, handout or other printed material that would be distributed to persons taking the optional training program or that the persons would be expected to purchase for use at the optional training program.
- (6) A copy of the final examination required under section 4(c)(4) of the act (3 P. S. § 456.4(c)(4)), unless the program is for the continuous training of humane society police officers.
- (7) Other relevant documentation which the Department may request.

**§ 17a.6. Syllabus.**

(a) *General requirements.* A syllabus for an optional training program shall set forth in detail the material to be taught, the qualifications of the authors and a list of resources, and shall specifically set forth the minimum amount of time which shall be devoted to each subject of instruction.

(b) *Optional training program for the initial training of humane society police officers.* A syllabus for an optional training program for the initial training of humane society police officers shall demonstrate that the program meets or exceeds the requirements of section 4(c)(1)—(3) of the act (3 P. S. § 456.4(c)(1)—(3)). Specifically, these requirements are that the program:

- (1) Include a minimum of 56 hours of instruction.
- (2) Include at least 32 hours of instruction in the following areas:
  - (i) Cruelty to animals laws.
  - (ii) Care and treatment of animals.
  - (iii) Pennsylvania rules of criminal law and criminal procedure.
- (3) Include at least 24 hours of instruction in the following areas:
  - (i) Animal husbandry practices constituting normal agricultural operation.
  - (ii) Practices accepted in agricultural industry in the raising, keeping and production of agricultural animals.
  - (iii) Characteristics of agricultural animals likely evidencing care that is violative of the cruelty to animals laws.
  - (iv) Proper care and handling of agricultural animals enforcement of the cruelty to animals laws.

(c) *Optional training program for the continuous training of humane society police officers.* A syllabus for an optional training program for the continuous training of humane society police officers shall demonstrate that the program meets or exceeds the requirements of section 4(c)(5) of the act. Specifically, these requirements are that the program:

- (1) Offer at least 6 hours of additional instruction within each 2-year period, at least 2 hours of which shall be in the areas of instruction set forth at section 4(c)(3) of the act and summarized at subsection (b)(3).
- (2) Attempt to provide instruction that differs from instruction previously provided to program participants in their initial or continuous training.

**§ 17a.7. Submitting the application.**

An application for approval of an optional training program shall be submitted to the Department by mail or delivery to the address in § 17a.4 (relating to obtaining an application).

**§ 17a.8. Incomplete application.**

Within 20 days of receiving an application for approval of an optional training program, the Department will mail the applicant written notice of defects or omissions that cause the application to be incomplete.

**§ 17a.9. Time requirement for review of a complete application.**

Within 30 days of receiving a complete application for approval of an optional training program, the Department will review the application and mail the applicant written approval or disapproval of the application.

**§ 17a.10. Criteria for approval.**

The Department will review a complete application for approval of an optional training program to determine whether the program satisfies the training requirements of section 4(a)—(c) of the act (3 P. S. § 456.4(a)—(c)). The

Department will approve an optional training program if it meets or exceeds these requirements.

**§ 17a.11. Disapproval.**

The Department's disapproval of an optional training program will set forth the reasons for disapproval and, if practicable, prescribe the changes, actions or documentation necessary for the optional training program to obtain the Department's approval.

**§ 17a.12. Term of approval.**

(a) *Initial training.* The Department's approval of an optional training program for the initial training of humane society police officers will be valid for no more than 5 years from the date of issuance.

(b) *Continuous training.* The Department's approval of an optional training program for the continuous training of humane society police officers will be valid for no more than 2 years from the date of issuance.

(c) *Reapproval.* A person may apply for reapproval of an optional training program in accordance with the application procedures in this chapter.

**§ 17a.13. Withdrawal of approval.**

(a) *General authority.* The Department may withdraw its approval of an optional training program if one or more of the following occur:

(1) The optional training program fails to meet the minimum time, subject matter and other applicable requirements imposed by the act.

(2) A material misrepresentation was made on the application for approval of the optional training program.

(3) A material change is made in the optional training program without the approval of the Department.

(b) *Procedure.* The Department may withdraw its approval of an optional training program by providing written notice of this action to the address contained on the original application for approval.

**§ 17a.14. Revisions to a previously-approved optional training program.**

(a) *Approval required.* A person seeking to revise an approved optional training program shall apply for and obtain the approval of the Department prior to implementing the revisions.

(b) *Abbreviated application.* The application for approval of revisions shall be made on the application form described in §§ 17a.4 and 17a.5 (relating to obtaining an application; and contents of a complete application), but need only address the proposed revisions to the previously-approved optional training program.

(c) *Approval of revisions.* The Department's approval of revisions to a previously-approved optional training program will restart the applicable 2-year or 5-year term of approval described in § 17a.12 (relating to term of approval).

**§ 17a.15. Monitoring by the Department.**

A person conducting an approved optional training program shall allow at least one employe of the Department to attend and monitor the optional training program, and shall otherwise cooperate with the Department in its effort to establish and refine standards for optional training programs.

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