

**Testimony of Les Neri, President, Fraternal Order of Police, PA State Lodge  
Before Pennsylvania House State Government Committee – May 8, 2017**

Good morning. My name is Les Neri. I am proud to serve as President of the Fraternal Order of Police, Pennsylvania State Lodge, which represents approximately 40,000 active and retired law enforcement officers and their families throughout the Commonwealth of Pennsylvania. On behalf of the members of the Fraternal Order of Police and their families, I would like to extend my thanks to the members of this Committee for your longstanding support of Pennsylvania's law enforcement officers.

Although the Fraternal Order of Police, Pennsylvania State Lodge, holds deep respect for the critically important work that sheriffs and their deputies perform we must **oppose** House Bill 466. To add full police powers to the current statutorily-mandated court service duties of the sheriff not only diminishes the attention to the performance of those important duties but would also negatively impact the criminal justice system. House Bill 466 would also create a class of police officers with less stringent hiring and training standards along with no civil service or tenure protections and watered-down collective bargaining rights.

First, Sheriffs play a vital role in the criminal justice community, by securing courthouses, serving processes, transporting prisoners and performing other key functions. These are statutorily-mandated functions that are critical to the continued functioning of the criminal justice system. Expanding sheriffs' authority to transform the Sheriff's Office into a county-wide police department will unnecessarily distract from the critical tasks entrusted to sheriffs and their deputies, and thus will harm the current system.

House Bill 466's expansion of sheriffs' law enforcement authority is unnecessary. Under current law, deputy sheriffs already possess arrest authority for felonies, breaches of the peace or violations of the Motor Vehicle Code that are committed in their presence. In situations where expanded authority is necessary, sheriffs may be deputized (or "cross-designated") by the Attorney General or their District Attorney to address the problem at hand. All of this can (and does) happen with no change to current law or disruption to Pennsylvania's well-established law enforcement system. There is no need for HB 466's expansion of power.

Pennsylvania, with its nearly 1200 municipal police departments, has more local law enforcement agencies than any other state and has a rich heritage of deference to and reliance upon local law enforcement. While our current law enforcement system has the advantage of promoting community policing and allowing law enforcement to quickly adapt to regional needs, it also requires great coordination among agencies to avoid jurisdictional conflicts while promoting stability, reliability, and public trust.

It has taken decades to establish complex, detailed protocols within each county to enhance the proper coordination of local, county, and state-wide law enforcement activities and requires continuous effort to avoid the dangers to police and public that

stem from duplicative or counterproductive action by different law enforcement agencies working on the same case. Adding yet another player, whose job is and should remain complementary to state and local police, to the mix will not improve law enforcement efforts in our state; but will only create needless jurisdictional conflicts and confusion, and will heighten the challenge of coordinating activities, particularly if the sheriff departments exercise full police powers free of the executive authority oversight which is provided by law for traditional state and local police departments

Second, House Bill 466 stands to create an underclass of Pennsylvania police officers who are inadequately screened, trained and monitored due to HB 466's inexplicable waiver of the Act 120 MPOETC requirements that must be met and maintained by every municipal police office in the Commonwealth. Omitting this requirement threatens the safety not only of sheriffs and their deputies, but also other law enforcement officers and the public we are sworn to protect. It makes no sense.

Third, unlike every other police officer in Pennsylvania, House Bill 466's deputy sheriffs will lack any civil service or tenure protections that are absolutely necessary to ensure that policing decisions in our communities are based on the law, not politics or nepotism. In fact, the Pennsylvania County Code already provides that deputy sheriffs have **no job protection and serve at the unfettered pleasure of the sheriff**. Unlike every other police officer in the Commonwealth, HB 466's deputies will be deprived of the critical collective bargaining protections afforded by Act 111 of 1968. Pennsylvania simply cannot afford to create a class of police officers who operate without civil service or Act 111 protections. Omitting those baseline protections is dangerous public policy that will result in a more dangerous Pennsylvania.

Finally, the office of sheriff is a constitutional and elected office, whose duties are statutorily court-related, and the sheriff has been regarded by the Courts as an arm of the judicial system. Because sheriffs are elected officials and are not subject to any regulation by outside authority, questions arise as to the constitutional tension of vesting an elected official and his or her deputies with plenary criminal investigative and arrest powers. Unlike police officers who are subject to statutory regulation through certification and revocation of certification if warranted, it is unclear whether, if full police powers are granted to the office of the sheriff, any elected sheriff can be regulated or even decertified, absent impeachment.

As noted by the Supreme Court in the *Kopko* case argument, the vesting of such plenary police powers in the sheriff also raises the question of duality of duties and separation of powers. Unlike police officers, who are neither judicial officers nor under Court control, vesting police powers in the sheriff blurs the distinction between the sheriff's statutory and judicial duties of carrying out writs, process, and such orders as directed by the court and the police duties of a sheriff or deputy testifying before the same court he or she serves.

For the above reasons, the Fraternal Order of Police, Pennsylvania State Lodge, has no choice but to **oppose** House Bill 466, and we would ask the members of this Committee, in the alternative, to pursue legislation that would provide our sheriffs with the resources needed to more adequately perform their numerous critical existing duties within the criminal justice system.

Thank you again for your consideration and your continued support of Pennsylvania's law enforcement community.