



A MESSAGE FROM
THE PRESIDENT,
SHERIFF
MICHAEL T. SLUPE
BUTLER COUNTY

SOMEBODY IS GOING TO GET HURT IF WE DON'T FIX THIS

If you read this article and are confused as to what the statutory authority of the Sheriffs are; how do you think the Sheriffs of Pennsylvania feel? One decision says yes, the next says no. Somebody is bound to get hurt, and it will be due to the confusion as to what our statutory authority really is.

Here's a primer on the messy and contradictory precedent for the law enforcement powers of our Sheriffs:

In 1994, one of the first court decisions regarding the authority of the Sheriff was Commonwealth v. Leet, in which the Court held that the Sheriffs have had the power to enforce the vehicle code since before the Magna Carta and that common law powers have never been abrogated. It required the Sheriffs or Deputy Sheriffs complete the same type of training as required of police officers in the Commonwealth (which they still do to this day).

In 1998, in Commonwealth v Kline, the court held that it would be legal for a Deputy to make a DUI arrest from a checkpoint as long as the Deputy training is equivalent to a police officer. In this case, as in many cases with Deputy Sheriffs, the Deputy had DUI training along with additional four-day training for standardized field sobriety testing procedures. The case was upheld.

In 2002, in Commonwealth v Lockridge, the Supreme Court found that a Deputy Sheriff is a "Law Enforcement Officer" for the purposes of filing a criminal citation under the Rules of Criminal Procedure based on information received from another party.

In 2006, in Commonwealth v. Love, the Superior Court held that the deputy sheriff involved in a criminal case who had completed all training required of a deputy sheriff, was duly authorized to carry out his duties as a law enforcement officer including the issuance of criminal complaints based upon information received. In 2007, The Supreme Court denied the appellant's appeal.

But after this case, decisions began to change regarding the enforcement powers of sheriffs and their deputies.

In 2006, Commonwealth v Kopko, the Supreme Court ruled that Sheriffs and Deputy Sheriffs are not investigative or law enforcement officers under the PA wiretapping act.

In 2007, in Commonwealth v Dobbins, the Supreme Court ruled that the Sheriffs and Deputy Sheriffs did not have the authority to conduct a criminal investigation and that the Sheriffs' common law authority allows them to make an arrest based on a commission of a felony or a breach of the peace committed in their presence, **and that their authority was no different than a private citizen.**

Immediately following that decision, the Attorney General took all of the Sheriff's Offices off of the Drug Task Force.

In 2013, in Commonwealth v Marconi, the Supreme Court ruled that Sheriffs and Deputy Sheriffs could participate in DUI checkpoints, but cannot initiate them. In this case, two Sheriffs' offices joined together to conduct a checkpoint and the court held that the Sheriffs didn't have the authority to institute, establish, or conduct sobriety checkpoints.

In the concurring opinion, Justice Eakin stated that to call Sheriffs "police officers" for some purposes and not others and the fact that this creates a situation where it is difficult to "comprehensively articulate" Sheriffs authority.

In the dissenting opinion, Justice McCafferty concluded that the operation of a DUI checkpoint is within the scope of a Sheriffs authority to stop, detain, and arrest a person who violates the vehicle code thereby breaching the peace, in the Sheriffs presence. Justice McCafferty concluded that the precedent established by the Supreme Court was that an appropriately trained Sheriff has the authority, in the context of a DUI checkpoint... He further concluded that a DUI checkpoint investigation is more similar to the type of investigation that the Supreme Court considered in the case of Commonwealth v. Leet which held that Sheriffs hold the power under the common law, to make arrests without warrants for felonies and for breaches of the peace committed in their presence. Justice McCafferty agrees with Justice Eakin's opinion that the Supreme Court decisions have considered Sheriffs as police officers for one purpose and not for another. In sum, Justice McCafferty in his dissent indicated that he would hold that if Sheriffs are appropriately trained they have the authority to operate DUI checkpoints independently and fully.

The Supreme Court Justices have reached the same conclusion time after time; and that is that Sheriffs and Deputy Sheriffs need statutory authority to perform law enforcement duties. Clearly, now is the time for that authority.

During the 2017-18 legislative session, the Pennsylvania Sheriffs' Association is going to push for legislation to define their law enforcement authority to include the ability to enforce and investigate vehicle code, crimes code, and drug device and cosmetic act violations without the fear of criminals going free because there is currently no clear ruling.

The Sheriffs and Deputy Sheriffs in this Commonwealth know that it is time to put this guessing and second-guessing to rest and get this fixed. The citizens of our Commonwealth need to know what the solution is to restore the authority of your Sheriff.

To fix this issue, we will need your help, your relatives help, your neighbors help, and the help of your friends. We will be asking you to reach out to your legislators and demand that they fix this problem with the Sheriffs statutory authority once and for all.

County of Butler, Pennsylvania

Office of County Sheriff

Michael T. Slupe, Sheriff

Mark A. Pepper, Chief Deputy

Thomas W. King, III, Solicitor



300 South Main Street
Courthouse, 1st Floor
Butler, PA 16001

mslupe@co.butler.pa.us
Phone: 724-284-5245
Fax: 724-284-5248



Sheriff Michael T. Slupe

1986 Graduated Allegheny County Police Academy
1986 Evans City Borough Police Officer
1988 Butler Township Police Officer
2008 Retired after 20 years of service in Butler Township
2009 Elected Sheriff for term starting January 2010, where I am currently running unopposed for my 3rd term. I manage 30 Deputies and 3 clerical staff

Current roles:

President; PA Sheriff's Association
President; Butler County Chiefs of Police Association
Chairman; County Prison Board
Chairman; Criminal Justice Advisory Board

Current Memberships:

Member; National Sheriff's Association
Member; PA Fraternal Order of Police (FOP)
Member & Past Treasurer; Butler County FOP
Member; International Chiefs of Police (IACP)
Member; Deputy Sheriffs Association of PA
Member; Past President of the Butler County Law Enforcement Officers Association

Community involvement:

Member; Butler County Area Vocational Technical School Advisory Committee
Member; Board of Directors at Alliance for Non-Profit Resources
Board of Directors at the Volunteer's Against Abuse Center
Special Olympics Torch Run Leg Leader
Volunteer Fireman at Meridian VFD
District Chairman of the Glacier Ridge District of the Boy Scouts of America
Junior recipient of the Distinguished Service Award in Butler County

Office highlights:

- + After the tragedy in Newtown, CT in 2012, we joined with the Butler School District to certify all of their school police in firearms qualification. We continue certifying their officers annually.
- + Finding ways to better secure the courthouse and courtrooms with security measures and equipment.
- + First law enforcement agency in PA. to utilize a mobile app for the public to identify and report wanted individuals (Mobile Patrol).
- + Social media efforts, like Facebook to identify and locate warrant suspects.
- + Educating the public on open and concealed carrying of a firearm.
- + In charge of security for a presidential candidates announcement.
- + Office took charge to manage the Naloxone/Narcan program for the County's law enforcement agencies.
- + Worked closely with the Marshal to obtain federal inmates and to provide high quality and dependable service to the USMS, which has led to an excellent working relationship.
- + Office has been intimately involved with security at large events in the county.
- + Started a K-9 program, started a weekend License to Carry program, started firearm safety classes, and expanded our D.A.R.E. program.
- + Hosted and participated in numerous training opportunities for Deputy, public, and employee safety.
- + Warrants have always been a priority for the Office
- + Control and maintain Identification badges for County employees and access control
- + Maintain all security functions including video monitoring

HB466 Effect:

When an agency is in need of assistance like the tragedies in Allegheny County, the municipality has another resource to turn to.

When a Deputy is called to an incident in a county building, but does not see the crime, they can now investigate.

When the Deputies are serving writs or warrants and see illegal activity, they can investigate instead of waiting for agencies to respond and ask why we didn't take care of the investigation ourselves.

When a Deputy finds drugs or drug paraphernalia, he or she can further an investigation and then possibly work with the DA or AG's Office's Drug task Force to use their resources.

This will clarify through legislative language the abilities of the Sheriffs and Deputies to conduct such investigations as they used to do prior to 2007 and it won't require additional agencies calling the Sheriffs as a witness. They can see the case from beginning to end.