HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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House Bill 2585

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House Labor Relations Committee

Main Capitol Building
Room 60, East Wing
Harrisburg, Pennsylvania

Monday, September 13, 2010 - 10:00 a.m.

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BEFORE:

Honorable Robert Belfanti, Majority Chairman
Honorable Patrick Harkins
Honorable Tim Seip
Honorable Ken Smith
Honorable Sheryl Delozier
Honorable Scott Boyd
Honorable Jim Cox
Honorable Glen Grell
Honorable Nick Miccarelli
Honorable mark Mustio
Honorable Scott Perry

IN ATTENDANCE:

Honorable Dominic Costa
Honorable Deborah Kula
Honorable Jim Marshall

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ALSO PRESENT:

Vickie DiLeo
Majority Executive Director

Joanne Manganello
Majority Research Specialist

Maryann Eckhart
Majority Legislative Assistant

Bruce Hanson
Minority Executive Director

Pam Huss
Minority Administrative Assistant

C O N T E N T S

SPEAKERS	PAGE
Honorable Belfanti..... Prime Sponsor	6
Thomas Lyter, Sheriff..... Juniata County	12
James McGeehan, Lieutenant..... Beaver County Sheriff's Office	23
Bruce Edwards, President..... PA State Troopers Assoc.	49
PA State Police	
Major John Gallaher.....	49
Barbara Christie, Chief Counsel.....	58
Amy Rosenberry, Executive Director..... PA Chiefs of Police Assoc.	49
Les Neri, President..... FOP, State Lodge	49
PA District Attorneys Assoc.	
Kathy McDonnell, Legislative Liaison....	49
Richard Long, Executive Director.....	49
Harry Forbes, Pike County Commissioner.... County Commissioners Assoc. of PA	78
William Mullen, Sheriff..... Allegheny County	101
Thomas King, III, Esquire..... Dillon McCandles King Coulter & Graham, LLP Solicitor, PA Sheriffs' Assoc.	106

CHAIRMAN BELFANTI: The meeting of the House Labor Relations Committee will now come to order. If we would all please rise to salute the flag.

(Pledge of Allegiance recited.)

CHAIRMAN BELFANTI: Try to remain standing as a tribute to September 11th and all of those brave firemen, ambulance and rescue squad workers and police of all denominations across the board, and lastly, but not least, the innocent victims that died on September 11th.

(Moment of silence.)

CHAIRMAN BELFANTI: Thank you. Please be seated, for those of you that have seats.

I would like the members of the committee that are here to introduce themselves. And then there are some members who are here to observe and I have granted them the right to sit in on the meeting as members.

So we will start with the members at this side.

REP. MUSTIO: Mark Mustio,

Allegheny County.

REP. GRELL: Good morning. Glen Grell, representing part of Cumberland County.

REP. COX: Jim Cox, Berks County, 129th District.

REP. PERRY: Scott Perry, northern York and southern Cumberland County.

REP. MARSHALL: Jim Marshall, Beaver County.

REP. BOYD: Scott Boyd, part of Lancaster County.

CHAIRMAN BELFANTI: Bob Belfanti, Northumberland, Columbia and Montour counties.

REP. HARKINS: Pat Harkins, Erie.

REP. COSTA: Dom Costa, Allegheny County.

REP. SEIP: Tim Seip, representing part of Berks and part of Schuylkill counties, the Cabela's and the Yuengling districts.

REP. KULA: Deborah Kula, 52nd District, Fayette and Westmoreland counties.

CHAIRMAN BELFANTI: Okay. And to my left, we have Dom Costa and Deb Kula who are members of --

REP. KULA: We are.

CHAIRMAN BELFANTI: I am not paying attention. You introduced yourself. And Jim Marshall. He was introduced?

MS. DiLEO: Yes.

CHAIRMAN BELFANTI: Thank you very much.

Very briefly. And it's unusual for me to be the prime sponsor of a bill that is coming to my committee. At least in the recent years, since I have been a chairman, I have attempted to deflect legislation to other members.

Even though my staff and I write the legislation, at least 95 percent of it, oftentimes my counterparts and peers in the legislature will come to us with the idea and we will help them get that idea into print that we hope other stakeholders will accept.

So again, it's not that usual that I introduce a bill myself and then chair the meeting about my own legislation, but this is an issue that I believe has gone too far and has not been addressed properly by the House Judiciary Committee or any other committees.

So this is my last term. I am

retiring. And I am introducing bills that otherwise I may have had other members introduce. But I believe in this bill, so you know where I am coming from, right from the get-go.

Now, that does not require that the members of the committee, of course, on either side have to side with me, but I just wanted to get out very early.

House Bill 2585 seeks to restore law enforcement powers to sheriffs and deputy sheriffs of counties except in counties of the first class. Now, that would also include counties of the second class who already have this legislation in place.

The bill would require sheriffs elected after January 1, 2010 to meet qualifications, including municipal officer training, or substantially equal training, as well as training through a recognized law enforcement admission -- administration program which the sheriffs are agreed to.

The sheriffs would have one year to complete the administrative course. However, they would only be permitted to serve in an

administrative capacity if they are without police training.

And I want to go back to the future here a minute. We did give all of the parties involved in this legislation one full and complete year to sit down with each other--and that's talking about the FOP and the state police and the sheriffs--to try and work this out on their own so that it would benefit everyone.

We thought we had a deal several times, and as of today all of the deals are off the table.

The legislation provides additional rights to these employees which include the right to a separate collective bargaining agreement. That is the language that we added to allow this bill to come before this committee.

The sheriff's primary jurisdiction would fall within 500 feet of the county property, including county courthouses and other county-owned and leased buildings or ground, include sidewalks, roads, streets, and parking within the area. Sheriffs would have

the ultimate law enforcement, investigation and arrest authority in these areas. I don't believe that they have any problem in that regard from other law enforcement officials.

The legislation would require the sheriffs and deputies to execute all process, writs and orders made by lawful authority and delivered to the sheriff. However, it would grant them the authority to perform duties required of law enforcement officials under all of the following:

Title 18, crimes and offenses;

Title 75, vehicles;

Dealer licensing under the Precious Metal Sale Regulation Law;

Issuance of firearm licenses and related enforcement laws under Title 18, Chapter 61;

Title 3, agriculture, and Chapter 23, relating to domestic animals;

The Fireworks Law;

Title 23, Chapter 61, related to the Protection from Abuse Act;

Seizing guns in violation of the laws of this Commonwealth; and

The Bingo Law.

Many of these already fall under the jurisdiction of the sheriffs and deputy sheriffs, so this is simply a repetition of what they already are allowed to do.

The sheriffs would also be permitted to serve as the school resource officers.

A sheriff may assist other law enforcement officers by participating in the following: Terrorism task force; Attorney General or District Attorney General drug task forces; joint task forces in association with other Federal, State and local law enforcement agencies.

A sheriff may search and rescue persons who are lost or are in danger within the immediate vicinity of the county.

A sheriff may exercise authority and power provided to municipal police officers under Title 42, Chapter 89, Subchapter D, municipal police jurisdiction.

A sheriff may enter into cooperative law enforcement agreements in order to describe the conditions of mutual aid

with other municipalities and with the approval of the county, which would be the county commissioners.

And finally, a sheriff shall perform other duties required by law or the court.

Finally, nothing in this law is intended to replace, in any way, existing law enforcement agencies or officers from their present duties.

(Off-the-record discussion occurred between Chairman Belfanti and Ms. DiLeo.)

MS. DiLEO: Sorry, we have been told by the security, House security, that we are in excess of the capacity of this room.

What they have done, I believe in the meantime, is make sure those doors were open. Those doors were open and there is nothing blocking anything so that there is exit ability.

But in the meantime, we will try to get the Chief Clerk's Office to set up chairs outside, with T.V., for overflow. So once that's done, we are going to ask people, the folks perhaps that are standing, to please go

out there and watch and listen to it, and everything, so that we are somewhat in compliance with the law.

CHAIRMAN BELFANTI: Yeah. And what law enforcement agency is in charge of that?

MS. DiLEO: House security.

CHAIRMAN BELFANTI: House security, okay. Am I allowed to continue until --

MS. DiLEO: Yes, you may.

CHAIRMAN BELFANTI: I will continue until otherwise notified.

First on our panel is Thomas Lyter, sheriff for Juniata County, and James McGeehan, lieutenant of the Beaver County Sheriff's Office. Are they here?

Will you please take a seat up front? And share the microphone. Whenever you are ready, please introduce yourselves.

SHERIFF LYTER: Good morning. My name is Thomas Lyter, as, well, Representative Belfanti has said. I serve as the sheriff in Juniata County. I am also the current president of the PA Sheriffs' Association. And on behalf of the PA Sheriffs' Association, we wish to thank the Chairman, House members

and the staff of the House Labor Relations Committee for their time in conducting these informational hearings throughout Pennsylvania this summer to discuss the important issues regarding the clarification of powers and duties of the Office of Sheriff in Pennsylvania.

By way of background, I have been the sheriff in Juniata County for nearly 21 years. And since April of 2004, I have also served as a warden to the Juniata County prison. I am a member of the National Sheriffs' Association as well as numerous county and state committees, and most recently I have been appointed to the child -- the County Child Death Review Board.

Juniata County is a seventh class county with four boroughs and thirteen townships, with only one part-time police officer. Juniata County shares the Pennsylvania State Police in Lewistown with Mifflin County. We have six deputies currently in Juniata County.

Article IX, Section 4 of the Pennsylvania Constitution designates the

sheriff as a county officer. Although the constitution establishes our office, it does not describe the duties of a sheriff.

Historically, under common law, the sheriff and deputy sheriffs were charged with maintaining peace within the county, apprehending and committing to prison those who break the peace, and maintaining law and order within the county.

Additionally, the common law power of sheriffs is to make arrests, without warrant, for felonies and for breaches of the peace committed in his or her presence.

The National Sheriffs' Association lists the following law enforcement duties of sheriffs in Pennsylvania: working on drug task forces; working on evidence collection teams; actively participating in criminal investigations; participating in canine patrols; participating in narcotics patrols; executing search warrants; and enforcing the Motor Vehicle Code.

Other law enforcement duties may include road patrol, traffic, general and specialized criminal investigations and crime

prevention activities, maintaining a crime lab, crime site analysis, criminal intelligence and narcotics enforcement, emergency services, and performing licensing and communication tasks.

For many years throughout the Commonwealth of -- Commonwealth, the Office of Sheriffs and all law enforcement agencies have worked together, side by side, on law enforcement matters. And this team effort has worked well. It is only within the last several years that the power and duties of the Office of Sheriff have been called into question following the Pennsylvania Supreme Court's decision in Kopko versus Miller and Commonwealth versus Dobbins.

In 2005, Representative Craig Dally introduced House Bill 466 to address the issue of restoring the sheriffs' and deputies' authorities and investigative power. The bill was met with opposition from the Pennsylvania State Police, the Fraternal Order of Police, the Pennsylvania Chiefs of Police Association, the District Attorneys Association, the Attorney General and the County Commissioners

Association.

After meeting with the various groups, we decided to remain -- Or I am sorry, after meeting with the various groups in order to discuss a solution, the county commissioners decided to remain neutral but the other groups maintained their opposition.

The PA Sheriffs' Association continued to work on the issue and reached out to the various groups. Rep. Belfanti and his staff drafted House Bill 2585 as a compromise, following the discussions during the past several years with the legislature and other stakeholders.

While the opponents of House Bill 2585 claim that part of the reason for their opposition is that the sheriffs and deputy sheriffs are not trained like the Pennsylvania State Police or the municipal police and therefore should not possess law enforcement duties, this claim is simply not true.

Deputy sheriffs are required to complete a rigorous 19-week training that total 760 hours encompassing both civil and criminal law. This training is equivalent to

the MPOETC, the Municipal Police Officers' Education and Training Act, or in the state police training.

They also take an oath to protect and serve, the same as other law enforcement officers of this Commonwealth.

In addition to their initial training, Pennsylvania's sheriffs offices continue to provide its deputy sheriffs with training and recertification every two years under the Act 2, and those deputies that are Act 120 trained and certified receive recertification each year.

This training is the same type of training that municipal police receive and is completed in accordance with Pennsylvania law.

Of the 2,000 plus deputies in the Commonwealth, over 1,000 have Act 120 training and certification, and many are current full- or part-time police officers or former police officers. Many deputies perform law enforcement duties while working at the municipal police. It is only when they wear the sheriff's uniform that they are not considered law enforcement.

House Bill 2585, Printer's Number 4022, is drafted to restate the power and authority of the trained sheriffs and deputies, and specifically states in Section 2114 that no police department, law enforcement agency, municipal police chief or officer would be supplanted, abolished or replaced by the county sheriff's office.

The legislation also gives the Office of Sheriff the authority to protect their courthouses and county properties. House Bill 2585, Printer's Number 4022, clarifies that sheriffs and deputy sheriffs may assist other law enforcement officials including the Attorney General and the county district attorney.

The citizens of Pennsylvania expect law enforcement to work together to rid our communities of crime. And for centuries, the sheriffs have been an integral part of this mission.

In 2006, the PA Sheriffs' Association commissioned a poll, asking residents whether they thought that the draft -- that the sheriffs and deputies possess the

same arrest powers as other law enforcement officials, and a resounding 73 percent of those polled believe that they did possess that power.

Additionally, 65 percent believe that if the sheriffs and deputies did not currently possess that power, that they should have it; with 64 percent in support of a law giving deputy sheriffs the same law enforcement powers as state and local police.

As more communities decide they cannot afford their police departments, the state police are required to cover greater areas of the state without being able to graduate new state police cadets to help fulfill these demands.

Additionally, we continue to read that because of recent tough budget years, Pennsylvania State Police are stretched to capacity. With more than 2,000 highly-trained deputy sheriffs across the Commonwealth, it seems foolish to continue to claim that the sheriffs are not adequately equipped to function side by side with other law enforcement officers.

We urge the committee to support the clarification of powers and duties of sheriffs and deputies as outlined in House Bill 2585. And we will continue to work with the committee toward the passage of this legislation.

I am now available for any questions, if the Chairman wishes, at this time or after Mr. McGeehan.

CHAIRMAN BELFANTI: Thank you very much.

Now, we have word we have been over, by the fire marshal for the building, and to vacate about half of the people who are standing.

My information is that if you open the back doors, there should be seating. Will someone do that? And make sure that --

(Off-the-record discussion occurred between Chairman Belfanti and Ms. DiLeo.)

CHAIRMAN BELFANTI: So if we would just fill up those chairs? And the rest of you are welcome to remain; however, though, you will remain standing.

Okay. Thank you for your

testimony, Sheriff Lyter.

Is there any member of the committee, or the two or three guests that have been invited, who would have a question for the sheriff?

Rep. Harkins.

REP. HARKINS: Sheriff, if you could just go over, again, the Act 120 training? There is no opposition from the sheriff's organizations to that training, is there?

SHERIFF LYTER: We are currently under Act 195 of the county commissioners, so.

REP. HARKINS: But if this is a glitch, or a step, that would eliminate some of the contention from everybody, there wouldn't be any opposition from your group for a longer term?

SHERIFF LYTER: There wouldn't be any opposition that I am aware of.

REP. HARKINS: In other words, everybody would do what they had to do as far as training to conform and --

SHERIFF LYTER: We would do whatever we are instructed. The law is what

we follow.

REP. HARKINS: That seemed -- We had a hearing in Erie last Thursday, and that seemed to be -- some of the points of contention was that training. And then, how do you fund that?

After I left that meeting that day, I really don't think there's an insurmountable thing -- amount of things that we need to overcome, to give, where we want to be with this.

SHERIFF LYTER: I am not sure of the total amount of monies that are available, but I am sure we have enough money that we could actually still train our deputies without taxpayer cost.

REP. HARKINS: That seemed to be the concern, and I hope that we can bridge that gap. Thank you.

SHERIFF LYTER: You're welcome.

CHAIRMAN BELFANTI: Rep. Grell.

REP. GRELL: Thank you, Mr. Chairman. This can wait until after the other panelist speaks, if you prefer?

CHAIRMAN BELFANTI: That would be

fine.

REP. GRELL: Thank you.

CHAIRMAN BELFANTI: Okay. The next panelist is James -- James McGeehan?

MR. McGEEHAN: Yes, sir.

CHAIRMAN BELFANTI: Please proceed.

MR. McGEEHAN: Good morning, Chairman Belfanti, honorable House members of the Labor Relations Committee, the PA sheriffs and other guests.

My name is James McGeehan, and I am employed as a lieutenant at the Beaver County, PA, Sheriff's Office. I have been serving here since May of 1977. I have also been a part -- I am also a part-time municipal police officer since 1982. I am a life member of the Fraternal Order of Police, Beaver Valley, Lodge 4, and currently serving as its vice president. I am also a member of the Beaver Valley Chiefs of Police Association and the National Sheriffs' Association.

Today, I am here to testify in the importance of the passage of House Bill 2585. Beaver County is a fourth class county, having an area of approximately 440 square miles and

a population of over 183,000 residents, which borders the states of Ohio and West Virginia. Our office is a 24-hour, 7-day agency, with a complement of 50 officers, which includes three canine and one involved in the D.A.R.E. program in our schools.

We have the responsibility of four county parks, a county airport, a human service building, a county jail, a geriatric center, an ice arena, as well as our courthouse. We are multi-tasked throughout the year with events at various locations and assisting outside agencies as well as having the Shippingport Atomic Power Plant in our domain.

Prior to the 2006 PA Supreme Court Dobbins ruling, we handled all investigative and criminal matters in our county jail which holds approximately 325 inmates. As it stands now, we cannot investigate nor prosecute escapes, contraband, or jail assaults.

Our warrant team that attempts Bench warrants cannot further expand investigations, whether its contraband found on wanted subjects, in their homes or

automobiles. In the current climate if our county detectives do not have the time or manpower to get involved, our former responsibilities have been delegated to the local police, further taxing their resources. We cannot even investigate nor prosecute if our judges or elected officials are assaulted and it's not in our presence.

Like many sheriff's offices throughout Pennsylvania, the majority of our sheriff's deputies hold two state training certifications, namely, Act 2 and Act 120, with over 1450 hours of training and experience, but are now told that we wear the wrong badge in particular situations.

It is a fact that one of our training -- state training commissions will recognize the training of out-of-state police officers wanting to be hired in Pennsylvania as municipal police officers, but given the same scenario the Pennsylvania deputies -- the PA Deputy Sheriff's Training Act is inadmissible.

The matter has become so ludicrous that just a few years ago a deputy completed

the Municipal Police Training Act and needed his firearms score to be submitted as certified as a municipal police officer. The N.R.A. instructor, that would be a deputy sheriff, submitted the score on sheriff's office stationary. It was rejected by the Municipal Police Officers Training Commission.

In 1994, the PA Supreme Court rendered the Commonwealth versus Leet decision that the Pennsylvania sheriff's offices can enforce the Motor Vehicle Code with the stipulation that we have comparable or like training. Now, isn't it as amazing -- isn't it amazing that with one or more state certifications, we still cannot investigate crime in our county? How do you split the baby in half?

It is equally amazing that the federal government, namely, the United States Department of Justice, recognizes Pennsylvania's sheriffs as legitimate law enforcement agencies with the assigning of ORI, which is Operating Routing Indicator, numbers. These numbers enable us to receive scope messages, check driver's licenses and

plates, run criminal history checks, enter warrants, and identifies us with the submittance of fingerprint cards.

Traveling throughout America on extradition trips, our deputies have returned and conveyed to us how other law enforcement agencies have commented on the absurdity of the current climate that Pennsylvania sheriffs are contending with, plus the fact that we have two training academies when they have only one; yet, so much for our participation in the war on crime.

Finally, the sheriffs of Pennsylvania, of our Commonwealth, like other American sheriffs, are elected by its citizenry. We raise our hand to take an oath to protect and defend them, even if it costs us our lives, whether it be in a courthouse or a road or in a grocery store. In 2010, I ask how we convey to them that we cannot accomplish this, that their vote is meaningless and irrelevant.

Thank you for letting me address this gross injustice, and that the power and the authority of the Pennsylvania sheriffs are

properly restored.

CHAIRMAN BELFANTI: Thank you very much for your testimony. We will proceed to questions.

REP. GRELL: Thank you, Mr. Chairman.

This is probably for Sheriff Lyter. But if Lieutenant McGeehan would like to comment, that would be fine as well.

I also serve on the House Judiciary Committee, so I've, I don't know, been following this issue for quite a number of years, and have heard and attended some other hearings on this particular testimony.

In your testimony, you made reference to the now Judge Dally legislation that was before the Judiciary Committee, and you said that the Belfanti bill represents a compromise, or some change, from the Dally bill. Could you tell us in what areas this legislation is different from the Dally bill and with whom the compromise was reached?

SHERIFF LYTER: Actually, we believe that House Bill 2585 is -- clarifies much more in depth what we should be or not be

doing.

House Bill 466, if you are familiar with it, was only a page and a half. Very nondescript, I guess is the best way I could put it. It really -- I mean, it didn't clarify any positions that we were allowed to do or not do. And House Bill 2585 does that. It tells the distances, and all of the courthouses, and also admits in the courthouses.

REP. GRELL: Okay. I believe, though, you said that it was a compromise. And I am trying to get a feel for what groups opposed the Dally bill that have now come on board because of the compromised language.

I mean, a compromise to me suggests that somebody gave. And, you know, there is some give and take. And now that there are groups that support this that didn't support the earlier measure.

SHERIFF LYTER: I don't believe that at this time we really have a true compromise.

REP. GRELL: Okay. I did want to ask two other questions, if I may, Mr.

Chairman?

CHAIRMAN BELFANTI: Yes.

REP. GRELL: The provision that would give primary jurisdiction beyond county-owned or leased facilities but is 500 feet, what's the rationale for that? Especially in a downtown setting where 500 feet from a leased county building might include private businesses and residences and other locations, what's the rationale for the 500 feet?

SHERIFF LYTER: If we would be out serving civil process and a crime had occurred -- Many, many times, myself and my deputies will be serving a civil paper, and we have an enraged citizen, who comes to us and says something just happened, and if we cannot act to help those folks we feel helpless. And that's why we would like to be able to assist, where I myself do not have the manpower nor the tax structure to build a police department in my county.

REP. GRELL: Yeah. But the way this is written, it doesn't say assist. It gives sheriffs primary jurisdiction for a

500-foot radius from any county-owned or leased facility. I mean, it's printed.

SHERIFF LYTER: Okay. I was thinking you meant throughout the towns, whenever we're --

REP. GRELL: Well, but, I mean --

SHERIFF LYTER: But --

REP. GRELL: -- there could be county-leased facilities in a downtown block that have --

SHERIFF LYTER: That's correct.

REP. GRELL: -- private residences and residences on each side, and to give sheriffs primary jurisdiction outside of the county-leased or owned facilities is concerning to me.

SHERIFF LYTER: The best answer I could give to that, and then maybe Mr. McGeehan could also add to it, but I would say it's -- most cases, we have deputies who man those buildings and may very well have been within feet of an occurrence and they should be allowed to make an arrest, do an investigation.

REP. GRELL: Okay. Well, let me --

maybe if I can give you an example.

In downtown Carlisle, and I am from Cumberland County, there is a county -- The old county prison sits on the corner of a block that contains offices and residences and retail establishments. And within 500 feet of that county-owned facility, there might -- there is a restaurant. And if somebody robs that restaurant, who would have primary jurisdiction if this law is passed?

If it's within 500 feet of that county-leased facility, would we have a situation where the sheriffs would be asserting primary jurisdiction and the borough police would have some sort of jurisdiction? That's where I am confused on. What's the intention here?

MR. McGEEHAN: Sir, if I may?

REP. GRELL: Please.

MR. McGEEHAN: We have a county park. Our largest county park has a state road. It cuts right down the middle of it approximately a mile, a mile and a quarter. So you have a large county park on both sides, a state road going right down the middle. If

a crime is committed, they go on the state road -- Or they start going up the road, that's over 500 feet if they are going away from us with that road. And that's one of the goals (phonetic; overlapping).

REP. GRELL: Yeah, I appreciate that.

MR. McGEEHAN: Yes, sir.

REP. GRELL: And I don't disagree with that kind of a situation, but it still doesn't address the situation that I have where we have two--or possibly three with the state police--three different law enforcement agencies that might have jurisdiction to cover that restaurant robbery that's located across the street from the prison -- or the county facility. I think that needs to be clarified, as that appears to me.

SHERIFF LYTER: Yes. And I don't -- That might be some verbiage that needs to be tweaked, if you want to use that for lack of a better word.

REP. GRELL: Okay.

SHERIFF LYTER: We're not in a turf battle. We don't feel that we should be maybe

the primary.

The only thing we have ever asked for is to be able to work alongside and assist. And if we would be the first responding, then we should be allowed to do it. That's all we are asking. Ever.

REP. GRELL: Okay. Well, I think this, the bill, as its drafted, goes beyond that. And I would hope that we could work, before the bill moved out of committee, to resolve questions like that.

SHERIFF LYTER: We have always been available for discussion.

REP. GRELL: I know you have.

The second question. What's the rationale for having this provision that gives -- that we give sheriffs the same powers as municipal police even in municipalities where there is a full-time, paid, municipal police department?

That's where I see a real potential for conflict. You call it turf, or whatever, but I am concerned about giving the Cumberland County or any county sheriff's department the same police powers as, for example, the

Hampden Township Police Department would have within the confines of Hampden Township.

And I am wondering whether there is a possibility of amending the language to say that the municipal police powers would only be given in municipalities that don't already have a municipal police force to take care of those rural areas that are currently just served by the state police.

SHERIFF LYTER: But then again, if there were no officers available from Hampden Township and the sheriff's deputy witnessed or was in the scene or in a area that you don't think they should be allowed.

REP. GRELL: But I think they already have that power if it's within their view. The crime's committed in their view, they have the powers, just like any citizens, to make an arrest in that case.

SHERIFF LYTER: That makes sense.

REP. GRELL: I don't need an answer, but it's the other major concern that I have with the legislation the way it's drafted. I thank you for your time.

SHERIFF LYTER: Okay.

CHAIRMAN BELFANTI: In response to that I would just like to say, over the course of the year that we gave of the stakeholders' time to come to the table and discuss the various options, both of these items were brought up and thoroughly discussed.

The issue of sheriffs having juris -- primary jurisdiction around county parks and things of that nature, I think was answered very adequately here. That, you know, if there is a robbery, a purse snatching or something 5-foot off of the state road, and the criminal jumps in the car, all of a sudden he becomes a criminal that any other recognized police officer in the state, whether it be the local municipality where this road extends or the Pennsylvania State Police, can readily arrest the person where the county sheriffs cannot.

So the word primary, don't let that upset you. And I believe that the Sheriffs' Association had offered, as part of the compromise that fell apart, that they would -- they would negate that language and put it in terms of equal jurisdiction.

The fact is, however, that according to the staff counsel that looked at this, it makes no difference whether the sheriffs are primary or not, because the Pennsylvania State Police and the municipal police already have the power to adjudicate any crime that is committed on -- at the diner, or, you know, on the road, et cetera.

I forget what your second issue was, but I know that was discussed as well.

REP. GRELL: Thank you. Thank you, Mr. Chairman.

CHAIRMAN BELFANTI: The sheriffs, by the way, have been the only organization, in my opinion, who have dealt in good faith on the issue.

I mean, when we look at the Dally bill -- Everyone has one in their packet. I was the sponsor of the Dally bill. This is it. It basically says, anything any municipal policemen can do, the sheriffs can do.

And we went through, point by point, all of the things that the sheriffs said. And the deputy sheriffs said, okay, we will stay out of that. We'll butt out of

that, you know, providing you accommodate us on this or that.

Those accommodations were met, by and large. In House Bill 466, it gives more power to the deputies and the sheriffs than does my bill, for what it's worth. And that's my opinion.

REP. GRELL: Plus, Mr. Chairman, the second issue was the overlap with municipalities that already have their own municipal police department.

And just for the record, I would take issue with your statement that most of the major law enforcement groups in this Commonwealth, including the D.A.s, the state police and others, have acted in any way in bad faith in dealing with this issue.

CHAIRMAN BELFANTI: I think their actions were more -- I didn't say they acted in bad faith, I said they didn't act in good faith.

REP. GRELL: I stand corrected, Mr. Chairman.

CHAIRMAN BELFANTI: We, in the legislature, do that quite a bit. No, it

ain't so.

The point is, there is -- there are mechanisms, when you are negotiating, where just passive resistance and extending the debate endlessly for months and months and months does not indicate a good faith effort to try to resolve the issue, and that's what I said and that's what I will stand by.

Mr. Cox.

REP. COX: Thank you, Mr. Chairman.

Thank you for your testimony, gentlemen. I probably won't get a chance to ask this question of you later so I wanted to bring it out now.

I know some of those who are going to be testifying shortly will be saying that House Bill 2585 goes beyond the restoration of powers which you had prior to Kopko, prior to Dobbins. How do you answer that, that charge? That this, that either 466 or 2585, how do you answer the charge that this goes beyond restoration of powers?

SHERIFF LYTER: I guess prior to Kopko, I know myself and my department, we did all forms of law enforcement throughout

Juniata County. We made arrests. We did our prosecutions. There were many times that we represented ourselves as the district attorney in preliminary hearings and got it to the Common Pleas Court.

So I'm saying, my guess is, is that House Bill 2585 spells out what we can and cannot do. And it's more specific, where before we acted upon whatever the district attorney would allow us to do.

REP. COX: Would you say it's a fair statement that this could potentially -- that your powers can fluctuate, depending on personality, who is your district attorney?

SHERIFF LYTER: The district attorney has every right to allow or not allow us to prosecute a certain case.

I don't like to refer to us as getting our power back. What we are looking for is statutory authority to allow us to act as we should be acting according to the constitution.

REP. COX: But Representative Perry and I were discussing this earlier. Part of what I understand the problem to be is that

one county may have -- your sheriff's department may have broad law enforcement powers, another county only have very restricted powers and/or duties depending on, number one, what's historically been done. Number two, some say it can fluctuate depending on who the district attorney is.

So this is an attempt to codify and say, you know, once and for all, no more of this back and forth stuff. This is what the law says we are allowed to do and we are going to do it. Is that the goal behind this then?

SHERIFF LYTER: That's kind of what we -- We want to know what we can do within our statutory authority.

REP. COX: Okay. Thank you.

CHAIRMAN BELFANTI: Thank you.

Scott.

REP. BOYD: Thank you, Mr. Chairman.

I believe, Mr. Lyter, in reference to a question that Representative Grell asked, you responded by saying, I believe I heard the terms, we don't have the manpower to do that.

SHERIFF LYTER: We, my sheriff's

department.

REP. BOYD: Yeah. And I guess one of the -- What I wanted to question is, is that, as I read 2585, it seems that there will be somewhat of an expansion of authority, thus potentially an expansion of duties. So the question is, if you don't have the manpower now, does this imply that there is going to have to be additional officers hired to execute the new duties?

As an example, if I understand correctly, sheriffs now will be able to do, say, DUI checkpoints or DUI enforcement. Do you have the staff, do the sheriffs have the staff to do that under -- with their current staff or would they be required to hire more people?

SHERIFF LYTER: I personally do not have the staff to conduct a DUI checkpoint. However, we had assisted in the past. As sheriff, being nearly 21 years, as I stated, our department has handled as many as 1800 criminal incidents a year, which has dropped drastically because of the --

REP. BOYD: You know, Pennsylvania

is this really incredibly diverse state. And I am from Lancaster, so my current legislative district, every municipality has their own borough or township police force. So the role of the sheriffs, from, you know, my parochial view, hasn't been that broad.

I'm -- Just so those of us who are from different areas understand, the sheriffs end up being county -- Are you county employees who are employed by the local counties and are paid by county government under county --

County taxes, is that how you're paid?

SHERIFF LYTER: That's how I am paid. I am elected by the people, I mean.

REP. BOYD: Okay. And so, then, if we -- In Act 2585, when there is an expansion of duties, ultimately the county commissioners would be the ones that will be able to hire more officers and expand the role of the current sheriff's department within their county; is that correct?

SHERIFF LYTER: As any other line item in our budget, if we would wish to expand

our office and add to it, we would have to make a request to the county commissioners. If they denied that request, then ultimately we would be working with the same amount of people that we currently would have.

REP. BOYD: And if I can? This is somewhat of a sensitive issue. And I don't mean to tread on tough issues, but I feel like, for me, I have got to ask it.

The average wage of a sheriff compared to the average wage of say a municipal police officer or the Pennsylvania State Police, how do they compare?

SHERIFF LYTER: I can't answer that truthfully. I can tell you what my salary is because it is public information.

I know other sheriff's departments and sheriff's offices are probably higher paid than we are. We come from a more--I hate to use the word--repressed area. But we are smaller. We don't have the tax base to pay higher wages. But as any other job, I guess if I don't like my pay, I can move on to something if --

REP. BOYD: Right. I guess -- And

this will be my final comment, Mr. Chairman.

One of the concerns that I have, being from a relatively developed county--Lancaster, we are over half a million people now--the vast majority in Lancaster County municipalities have their own police forces. And the, you know, the local taxes, we're paying that. We are paying county taxes, we are paying state taxes, and my folks are very sensitive to an increase in the potential burden on them for taxes.

And to the extent that the county might expand the role of -- You know, the county police force is, in essence, what it would become; the sheriffs, the fact that there could be a tie to that; particularly the fact, if I understand correctly, you're -- you would now be a part of binding arbitration, so any of the -- any wage dispute, any wage issues would end up going -- be going into arbitration. And some sense is that might be a concern about some escalating costs for county governments.

So I understand, in the rural areas where there are no municipal police forces,

but to have it apply across the state in an area like that I represent may be some sort of concern.

I am just putting that on the record. We have a stenographer, and it is being recorded. That Pennsylvania is a diverse state and what might work for Juniata may not be as well-suited for a county like Lancaster or -- or, you know, say Bucks, Montgomery, some of the other more developed counties.

Thank you, Mr. Chairman.

CHAIRMAN BELFANTI: Thank you. I am going to allow one more question. We are running a bit late. But Rep. Marshall has had his hand raised, and that will be the final question for these panelists.

REP. MARSHALL: Thank you, Mr. Chairman.

CHAIRMAN BELFANTI: Again, we are running about a half hour behind. And that is not because Session doesn't start until 1, but because we only have the room until 1.

REP. MARSHALL: Thank you, Mr. Chairman. I'll be brief, in interest of time.

I think that first I would like to thank Sheriff Lyter and Lieutenant McGeehan for being here. I appreciate that.

I think I can address Rep. Boyd's question. There wasn't mention of the House bill that I sponsored, 1841. And I know that Lieutenant McGeehan is familiar with that.

1841 allowed the county commissioners to decide opt in or opt out of with this. And it would address that if Beaver County felt that they wanted their sheriff's department to have that power. And I believe the district attorney and the commissioners were behind that in Beaver County. Or Forest or McKean or whatever county wanted to, they could.

And I think that that's important. I really find it hard to believe that any law enforcement agency would oppose assistance from qualified, trained members that are already there. You know, we need more feet on the street to combat crime. And for that reason, I sponsored 1841 and co-sponsored 2585.

Thank you, Mr. Chairman.

CHAIRMAN BELFANTI: I thank you. And I share your concern in that regard.

One of the other reasons we are here is, floating around the building is legislation introduced by Rep. Sturla. It's been alluded to several times.

But just to reiterate what it does, it would require that every township, who does not have their own police department and rely on the state police for protection, would pay a per capita, that is, per person tax to the Pennsylvania State Police for that coverage. That would allow the state police to hire more troopers, increase their class sizes, et cetera, which would cost much more than allowing deputy sheriffs, who are ready to go, to be on the street, at least five or six hundred of them as a start.

So I am not going to belabor that. But that bill is out there, and it is gaining momentum from townships that are maintaining police departments. The people that want to disband those departments are pointing to all the townships that are getting, quote, free protection. And it's out there. And that

that bill may take the -- up a life of its own if we don't do something in this regard.

Thank you, sheriffs, for attending.

And we will now hear from a panel. I believe there will be one speaker. But the panel will consist of Bruce Edwards, president of Pennsylvania State Troopers; Major John Gallaher, Barbara Christie, Pennsylvania State Police; Mrs. Amy Rosenberry, executive director of the Pennsylvania Chiefs of Police Association; Les Neri, president of the Fraternal Order of Police, State Lodge; and Kathy McDonnell, legislative liaison for the Pennsylvania District Attorneys Association.

MS. McDONNELL: Mr. Chairman, with me is Rich Long, who is executive director for the D.A.s Association.

CHAIRMAN BELFANTI: Okay. Thank you. Good morning, sir.

MR. LONG: Good morning.

MR. EDWARDS: Good morning, Chairman Belfanti and members of the House Labor Committee. My name is Bruce Edwards, and I am president of the Pennsylvania State Troopers Association.

I am here today, along with my fellow members of the Pennsylvania Law Enforcement Coalition, to express our concerns with House Bill 2585.

Please allow me to introduce the other panel members which you spoke about. Les Neri is next to me. He is president of the state FOP. Major Gallaher and Barbara Christie are from the Pennsylvania State Police to my left. From the Pennsylvania Chiefs of Police Association is Amy Rosenberry, right next to them. And Kathy McDonnell and Richard Long from the Pennsylvania District Attorneys Association.

Hopefully, most of you have had a chance to review the letter the coalition delivered to your offices Thursday, but please allow me to touch on some of the key points.

First of all, sheriffs and their deputies have the right to make arrests for crimes they observed being committed, but they do not have the right to initiate criminal investigations, conduct DUI checkpoints or arrest based on third-party information.

Second, we believe that

cross-designation of properly trained sheriffs and their deputies as county detectives is a proven and effective means for communities to respond to local policing issues and needs.

The Courts have found that such cross-designation when accompanied by completion of Act 120 training and certification confer full police powers and has historically proven legally sound.

Of greater concern to us is that House Bill 2585 would grandfather sheriffs selected into office before January 1, 2010, regardless of their training. Further, House Bill 2585 would allow sheriffs and their deputies to exercise full police powers without MOPEC certification.

It goes without saying that it is a flaw of policy that we put on our streets law enforcement officers who have not been fully vetted psychologically and physically, and have not cleared extensive background checks, and who lack the proper training.

The primary duties performed by sheriffs and deputies in Pennsylvania are vastly different from other law enforcement

officers, and their training reflects the duties they are expected to perform.

Based upon a review of training requirements, it is our understanding that the Sheriff's Deputy Education and Training Act does not currently provide training in search and seizure, rules of evidence, how to conduct vehicle stops, and provides much less training on criminal investigations compared to MOPEC.

Another critical concern with House Bill 2585, and one that should be of great interest to the Labor Committee, is that while House Bill 2585 would extend current Act 195 protections to deputy sheriffs, it would not provide those deputies with full civil service, just cause, and Act 111 bargaining provisions that are afforded to police officers throughout the Commonwealth. The deputy sheriffs in the county of the second class are covered by civil service and just cause.

The Office of the Sheriff in Pennsylvania is a constitutional and elected office whose duties are statutorily Court related and the sheriff has been regarded by

the Courts as the 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 preliminary 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 police powers are granted to the Office of Sheriff, any elected sheriff can be regulated or even dis-certified.

With all of this in mind, it still remains our preference that the legislature provide our sheriffs with the resources needed to more adequately perform their numerous, existing duties. We hold deep respect for the critically important work that sheriffs and their deputies perform.

To add full police powers to the current statutorily-mandated Court service responsibilities of the sheriff, not only

diminishes attention to the performance of those important duties but also could place additional burdens on the rest of Pennsylvania's law enforcement community.

We thank you for your attention to this important issue, and look forward to answering your questions.

Prior to any questions, I would like to clarify one point that was brought up here numerous times, Mr. Chairman. And there is a perception that after the last bill that two years ago came out, we were supposed to get together. But the sheriffs did not reach out to my organization, nor other than cursory talks with the chiefs and just a very informal talk with the FOP. There were not those negotiations. There was not interaction.

And I take notice that we're saying we were dealing in -- not in good faith. It seemed like this legislation was purely coming from the sheriffs. And we really did not have much say in it. And there was no negotiations, there was no talk going back and forth. I just wanted to put that on the record.

CHAIRMAN BELFANTI: Well, I appreciate that. Particularly since my office notified, you know, each of the stakeholders that we were going to extend the entry variant prior to writing the legislation for approximately a year so that all of the parties could meet. We didn't order or demand or insist. So what I mentioned that a year was given, that is from my perspective.

Now, I have also heard it from the Sheriffs' Association. That not only personally but in testimony offered at the Danville hearing, that they had, in fact, made some headway in their discourse with the other organizations and stakeholders, which certainly leads me to believe that there were at least discussions held.

I know Sheriff Ray Gerringer was a second party to that because he kept me informed.

And, Ray, would you know? I don't want to put you on the spot, but would you know, through your organization, whether or not talks were held?

SHERIFF GERRINGER: Mr. Chairman, I

am aware that there was talks held between the Pennsylvania Sheriffs' Association, with the County Commissioners Association, with the FOP, and with the Pennsylvania Chiefs of Police.

I am not aware of any conversations or meetings with the Troopers Association or the D.A.s Association, but I am aware of numerous meetings with the County Commissioners Association, the FOP. And as far as the Chiefs of Police Association, I would have to refer to Sheriff Merski from Erie County.

CHAIRMAN BELFANTI: Okay. Thank you.

THE REPORTER: Excuse me.

(Off-the-record discussion occurred.)

CHAIRMAN BELFANTI: Okay. Any other questions? And Scott. Mr. -- Or Rep. Boyd.

REP. BOYD: Thank you, Mr. Chairman.

Mr. Edwards, in your testimony, you brought up a very interesting point I would

just like to elaborate on a little bit, and that is that the sheriff is a constitutionally elected position. And I guess you made reference, so maybe you could expand a little bit upon it.

Typically, there's procedures in place for a police officer within jurisdiction of the auth -- of the structure for discipline and dealing with that issue. The sheriff is elected, right?

MR. EDWARDS: That's correct.

REP. BOYD: And so, does he or she work for the county government, or doesn't he or she?

And if we start talking about collective bargaining, I am just -- I am trying to get my arms around how, how does that -- How do we resolve that conflict on an elected position, with relying on their paycheck from the county commissioners, who are another elected position, in terms of collective bargaining?

And then, but then also if the county commissioners decide, well, the force is too big, we need to make budget cutbacks,

what do we -- You know, how do we get our arms around that?

It seems that maybe if we expand the enforcement powers of the sheriffs, are we going to be creating a -- You know, is there an unintended consequence? You brought up an interesting point. I wonder if you could expand on that.

MR. EDWARDS: Well, I'll let one of the attorneys talk about the constitutional.

But in the bill itself, and I know the county commissioners will probably talk about this, but it doesn't say the county commissioners have the power. In the bill, it says, the number of deputies and clerks shall be determined by the County Salary Board. Now that the commissioners are on the Salary Board, that's obviously part of it.

But I'll leave either the D.A.s or Barbara Christie from the state police counsel, as far as the constitutional issue.

MS. CHRISTIE: All right. With regard to the constitutional tension question, you raise the same question, actually, that was raised by Justice Baer in the Kopko

Supreme Court argument. And the question basically is an interesting one, because, yes, the sheriff is a constitutionally elected official.

With regard to police officers, police officers certainly are subject to not only Act 111 training but also to the requirements of MOPEC, to the competence in law enforcement act, the requirements with regard to the not just physical, mental, but also character type requirements with regard to convictions, and so forth. They can be removed.

The question becomes--it was raised by the Supreme Court--how do you remove, if it need be -- And I would certainly never expect that this would be necessary. But speaking hypothetically, how would you remove an elected sheriff?

Basically -- And let's not even get into Act 111 issues. I will certainly defer to Bruce and to Les on that.

But, you know, with regard to maintaining certification requirements--if they don't do that--maintaining, whatever,

character requirements, background checks and so forth, that sheriff is an elected sheriff. The question of whether or not that elected sheriff can be removed or even subject to MOPEC decert. requirements as opposed to perhaps having to engage the impeachment process, and that was a question basically left raised by the Supreme Court but unanswered.

But it's an interesting question, aside from the question of, you know, the double duty, basically, of the sheriff. In the courtroom, the sheriff is an officer of the Court. Having worked in both -- with both police and sheriffs in my past life as an Assistant D.A. in Philadelphia, we looked to the sheriffs to maintain the security and the decorum of the Court, to follow the orders of the Court, and basically to ensure that our criminal justice cases and process moved smoothly.

And that's a very, very important job. And a quite different job from police officers, who basically, in particular cases, they get up, they testify. They may get

questioned by the Court. Perhaps. Perhaps not. And then they leave.

Now, you know, clearly a situation with a sheriff, you have the sheriff get up and testify. And then leave, and say, now I am going to sit and do my courtroom duties before the same judge before whom I'm providing testimony. Another interesting area of, you know, potential tension raised by the Court in the Kopko argument.

Kathy, I don't know if you have anything to offer on that.

MS. McDONNELL: Not too much more to address, except the fact that there may even be a separation of powers problem here; in that, if sheriffs are acting under the arm of the Court, then they are going to be acting under the arm of the executive. Is there a problem there?

It's a potential problem. I haven't honestly done the research, but there is a potential separation of powers argument.

REP. BOYD: Thank you, Mr. Chairman.

CHAIRMAN BELFANTI: You are

welcome. And then we are going to have to move along.

Oh, Rep. Seip. The last question for these panelists, please.

REP. SEIP: Thank you, Mr. Edwards and madam. Thank you, Mr. Chairman. I will try and be brief.

Aside from some of the things that we have already discussed, I know Chairman Belfanti had briefly mentioned the Sturla bill, to try and relieve some of the incredible demands, and ever increasing, that are being put on the Pennsylvania State Police.

I have constituents that tell me all the time we don't have enough law enforcement people out there in my legislative district. So I would just like to ask, how do you think we can best address that issue, the lack of law enforcement out in, you know, the community?

MR. EDWARDS: Well, if you're referring that question to me, Representative? A very interesting question, when you're -- they're saying that you have 2,000 or whatever

the number is of sheriffs ready to go. My question would be is, what are they doing now then if they have time to do all of this police work? Are they -- Do we have too many sheriffs? Or are -- You know, what about their primary duties?

And one of the things that I know, as a trooper over the years--and I have talked to municipal officers, too--many of your smaller departments, sheriff's departments, and some that aren't even small, do not put people -- schedule people on the weekends, especially after a Friday. And the police officers, either the state and/or municipal, end up doing duties on domestic violence, protection from abuse, emergency orders that are the purview of the sheriff's office.

So our concern here is, too, if you let them go off on this other angle where they are doing more traditional police work, are we going to end up getting more of their service work because they are not available for it?

They have a very important function to fill. There's a lot of warrants out there. There are a lot of fugitives out there that

need to be picked up. That's one of their primary duties as well as protection of the Court, and all of their other duties. So if you need more police officers, our position is then you need to finance more police officers.

Something that was said earlier that I don't know that the body here is familiar with the situation, because it was brought up by the president of the Sheriffs' Association. That if, and make no mistake about it, if a crime is committed in the presence -- if a felony is committed in anybody's presence, you can take action. Any citizen can.

If a breach of the peace is committed in the presence of a sheriff, they have the authority to take action under the law now. What they can't do is do investigations or act on information received. And I have read stories where the sheriffs say, yeah, someone brings drug information to us, we can't act on it.

Well, let me tell you that the average trooper and municipal officer, the drug information is brought to them. They do

not act on that personally. They do not investigate those crimes. Those are things that should not be investigated by that type of person. And if the sheriff did investigate that, if they were given that power, the information wouldn't be getting to the people who it was supposed to be getting to.

If me, on patrol, in uniform, come across that information, it goes to our Drug and Vice Enforcement. At the county level, the D.A.'s task force. It goes to the people who are supposed to do that work.

On another point, if I am traveling through a municipal police department and a crime occurs or people come to me about a crime, there's a full-time police department. I do not go and investigate that crime.

And it's not like, oh, my hands are tied. I can't do anything.

Why? Those people are there.

I said, just a second. I will get on the radio and make sure the local police either respond here or I'll give them your information and they will respond and investigate that crime or incident.

That's the way it has been worked out over years and years and years, because there is a lot of cross-jurisdiction with state police and local. We have departments that are part-time.

We also have people who come to us and want -- they don't -- I don't have faith in the local department, or whatever, and they want us to investigate. It's like, no, that's not the way it's done.

They have a full-time department. You go through them. If you have a complaint with them, you go to the D.A.s Asso -- the D.A. of the county. You do not go through us.

You would not want a situation where you have different levels where somebody can say, well, I don't like the state police so I'll call the sheriff. He's my -- I -- I -- You know, I am going to have the sheriff investigate this. Or, I don't like the sheriff so I am going to have the state police investigate it.

Right now, all of those issues are worked out between us and the municipal departments. It's very vetted about how that

works.

And anything that comes across in front of the sheriff now, they can take the action that needs to be, to protect the public, maintain the peace, get the appropriate people who are going to or not going to investigate that. That is -- That's an issue that for some reason seems, out here, that things are not going to be investigated or things cannot happen and that is not the case.

CHAIRMAN BELFANTI: Just a quick comment before we call the next group up -- or the next person up.

In the County of Montour, I would like to add that we heard testimony from the district attorney, from the county commissioners, from the sheriff, all in favor of this bill.

And these people work together, 100 percent of the time, are the drug task force that you had just discussed. The sheriff, if he is the person who receives the information, does not act alone. He goes to the D.A. with that information and then the investigation

commences. All of the parties work together.

My son, who is a state parole agent, is involved with drug task forces in I think it's nine counties, because they lost some people through attrition, and he is called in also.

There are a lot of people involved in drug task forces, and to add --

MR. EDWARDS: That's correct. But that's task force where they have already -- that's what they do. They are dealing with the drugs. We are talking --

CHAIRMAN BELFANTI: Now, in the neighboring county, the sheriff is not allowed in that loop. The sheriff is specifically, because of the absence of 2585, specifically not allowed in that group --

MS. CHRISTIE: That's not true.

CHAIRMAN BELFANTI: -- because of the way --

MR. EDWARDS: They do have --

MS. CHRISTIE: They can still do it.

CHAIRMAN BELFANTI: -- that the Court rulings are read by the district

attorney in that county.

MS. CHRISTIE: Well, I think, just to answer that briefly, Mr. Chairman, I think the D.A. is probably referring to Dobbins, and saying, look, you can't do investigation.

MS. McDONNELL: Um-hum.

MS. CHRISTIE: But the Dobbins case did not do away with cross-designation.

As a matter of fact, the Kopko Court basically said, here's your answer. You want the sheriffs to work, you need additional whatever, eyes and ears or feet on the ground in the counties, and you cross-designate the sheriffs. You have an existing statute. It's called the County Detective's Act.

Those people who are cross-designated by the prosecutor are on task forces, as probably what is occurring in the county that you cite. And they have full police powers by virtue of this existing statute, the County Detectives Act.

And, you know, certainly, the Kopko Court basically indicated in their opinion that that's an existing option, that the sheriffs who did not want to take that option

in the Kopko case. Because, as you may recall, Kopko was because the sheriffs wanted to do wiretaps and the wiretapping school, and the state police were perfectly willing to admit those sheriffs that have been cross-designated.

And there was one cross-designated from Cumberland County. And that young lady was admitted, and it was determined that she would not -- She no longer wished to pursue her admission as cross-designee but only as a sheriff and that's when we asked for Court guidance.

And Kopko basically said, you need additional people, whatever. You don't have to do anything further than look to the statute you already have. And let the D.A. in that county, which also applies to those counties that maybe do want additional sheriffs as police officers, can utilize the Commonwealth -- the County Detectives Act, or Commonwealth Attorneys Act for the A.G.; whereas, those counties that don't need them or that don't wish to, you know, deal with the additional fiscal burden, or whatever, they,

their D.A. does not invoke the County Detectives Act and make sheriffs into county detectives.

So that -- I mean, that, to my understanding, is the law enforcement coalition suggestion: Utilize what you already have to provide those powers that the Kopko Court sanctioned if only the sheriffs take advantage of that statute.

CHAIRMAN BELFANTI: So, I take it, if I'd give your panel another year to try and work something out, it's not going to work out?

MS. CHRISTIE: I think it's a question of how it gets worked out, though, Mr. Chairman, respectfully.

CHAIRMAN BELFANTI: Thank you.

Rep. Cox. Ten seconds.

REP. COX: Ten seconds to create my question.

I have a little bit of a follow-up on Rep. Seip's. I have the same situation. People coming to me and the question of, you know, seeing the sheriff's car. And can't go to the sheriff, and say, will you help me with

this? in time of distress or whatever the case.

That's kind of the thinking. That they are out there, that they are marked like a police car, people think of them as police powers. Surveys have shown people think they have those powers already.

Are you stating, as a coalition, that you feel that they already have the powers they need and can work with the D.A. to get some of that authority?

MS. McDONNELL: Yeah, I think the elephant on the table has always been, in our negotiations, that there exists a system to give sheriffs full police powers and that is by cross-designation. That is an answer to your question, we need more feet on the street.

And the same thing here, cross-designation would give a sheriff full police powers either on a municipal drug task force, a special investigation. Everybody knows what's going on. Everybody knows who reports to everybody.

And there can be training. I

talked to Cumberland County before I came here. They have two sheriffs now cross-designated. And they make sure that the training is adequate, they assign duties, people report to people and everybody knows what's going on.

Cross-designation is the answer. And during the course of our negotiations, it never seems to be properly addressed why that isn't a good solution to the manpower problem and to the giving of full police powers.

REP. COX: And as a follow-up to what you were saying, the interaction that municipal and the state police have, I know there are boundaries. You would pass it off to municipal, et cetera, if you saw something happen or someone came to you for assistance.

I guess my question is, if under the cross-designation statute, is that what happens? That's hammered out to say, this is your role in this situation --

MS. McDONNELL: Um-hum.

REP. COX: -- since you are cross-designating?

MR. EDWARDS: Yeah, for the

cross-designation.

REP. COX: Okay.

MS. McDONNELL: Yes.

MR. EDWARDS: But -- but that --

REP. COX: But my question is, why can't we -- Under cross-designation is just a process to say, you meet these qualifications?

MR. EDWARDS: Plus they are under the D.A. then.

MS. McDONNELL: Yeah.

MR. EDWARDS: That's the --

REP. COX: And they are under the D.A.s --

MR. EDWARDS: On that, on that issue.

MS. McDONNELL: And it's usually for a limited investigation.

REP. COX: And can you define that (phonetic; overlapping)?

MS. McDONNELL: It's not like they go out and investigate --

THE REPORTER: Excuse me one moment.

(Off-the-record discussion occurred.)

THE REPORTER: Do you have a response to what Mr. Edwards said?

REP. COX: I am fine with her answering the question.

MS. McDONNELL: I think the lines of demarcation are very defined with cross-designation. The people report to the D.A. and everybody knows what their job is. And it usually -- It isn't ongoing. It isn't an open-ended thing. It's on -- You're on the drug municipal task force or you're on this X investigation, but with that cross-designation comes full police powers.

REP. COX: Thank you.

MS. McDONNELL: And it doesn't cost the county anything.

MS. CHRISTIE: Yeah. And just to add to that, there are existing, a couple hundred at least, cross-designated D.A.'s detectives, county detectives.

MS. McDONNELL: Um-hum.

MS. CHRISTIE: Some of whom may, in fact, be deputy sheriffs.

But, you know, MOPEC's records indicate that a number of D.A.'s offices have

taken advantage of the cross-designation and they have county detectives.

MR. EDWARDS: In your question to me about the car? Because that would probably not be a cross-designated individual, if the sheriff is out in his car.

MS. McDONNELL: Um-hum.

MR. EDWARDS: Of the frustrating, or the people, they feel like there's nothing we can do. Well, I'm not -- I assume they are not going to ignore the person or the public.

What I was saying, it's no different than if a municipal officer is stopped in a jurisdiction that is not his or the state police are stopped, waved down. We are going to talk to that person. We are going to listen to their complaint. We are going to take their information and get it to the appropriate police authority that should handle it.

So what this law is, is let's say it's a state police jurisdiction and the sheriff is stopped, deputy, and someone complains to them about an incident and they investigate it. In other words, they are not

saying, okay, we have to call the state police. This is their primary jurisdiction.

They have the primary.

Now, do the state police want me to help and handle it? Okay.

Or, no. Do they say, okay, we'll send somebody there? Or, whether it's municipal? It's not an issue that we have to ignore those people or I feel there is nothing we can do. It's, who is supposed to be doing that investigation?

REP. COX: What the chain of command is?

MR. EDWARDS: Yes.

MS. CHRISTIE: Yes. Plus there is also the Municipal Police Jurisdiction Act, which is, again, is an existing statute. Provides that the primary police authority, in a particular jurisdiction, can request the assistance of another police authority, be it the state police or be it, you know, another, whatever, county, adjacent authority.

But that is something that I noted was not in this House bill. So that, there, apparently, you know, the other police have to

abide by the MPJA, but the sheriffs sort of like override the MPJA, which is interesting.

Just to get back to my numbers Major Gallaher provided me. There are currently county detectives in a, what, 39 different counties that total 424 county detectives that are already cross-designated; so, apparently, it's being used.

CHAIRMAN BELFANTI: Thank you very much. And I hate to move you along, but we are really falling behind. I thank you all for coming and offering your testimony.

I would like to welcome Harry Forbes, the Pike County Commissioner. He is also chairman of the PA Deputy Sheriffs' Education and Training Board, and a member of the County Commissioners Association of Pennsylvania. So we size up with that as a cross-designee.

MR. FORBES: Good morning, and almost good afternoon.

CHAIRMAN BELFANTI: Good morning.

MR. FORBES: I am Harry Forbes, as has been stated. I am chairman of the Deputy Sheriffs' --

THE REPORTER: Excuse me one moment.

CHAIRMAN BELFANTI: Sorry.

THE REPORTER: We have too much background noise.

MR. FORBES: No problem. I'll wait.

CHAIRMAN BELFANTI: Please proceed.

MR. FORBES: I don't know what you picked up. I am Harry Forbes, Pike County Commissioner, and chairman of the Deputy Sheriffs' Education Board, which is an arm of the Pennsylvania Commission on Crime and Delinquency that provides oversight of deputy sheriffs' training and education here in PA.

In my capacity, I am uniquely qualified to speak to the issues of deputy sheriffs because of my 15 years on that Board, bringing the education to where it currently is. I am also a member of the County Commissioners Association. And CCAP is a non-profit and non-partisan association providing legislative, education, research, insurance, technology, and other services on behalf of all 67 counties.

And I am extremely pleased to appear here today and present comments on House Bill 2585, to providing powers for the deputy sheriffs.

And I would like to go off script--because I know you all have this--a little bit, and then just talk about some of the things I have heard here today.

First of all, I have total respect for the sheriffs and the deputies that are standing here and across the Commonwealth. The level of their education is superior, in my opinion, to the municipal training that currently exists. The training that we put in place within the compliance of Act 2 in the modules have all been modeled after MOPEC and in advance beyond their levels at this current time.

We also took the state police's approach to having one academy, one place to train them, so that we had consistency in the ability of these deputies to learn and be a law enforcement agent within the Commonwealth. So when people stand and talk about the level of their education, their level of commitment,

it's -- it's put down somewhat. Because their education is there, and they are a unique arm of law enforcement.

And I have one thing to say to the individuals that have spoken before me. And that is that I wish to see this all come to a table, come to some sort of agreement to get a bill that would be -- restore the powers that need to be restored.

Now, however, I will speak against this bill today because I'm a proponent of House Bill 466. I felt that it went to the level of giving them the powers that -- where it is needed. And I will point out the differences in where I feel there are problems within this current legislation.

As I stated, I was a proponent of House Bill 466 last Session, a simple restoration of personal police powers. And I am personally lobbying in favor of that with House -- House of Representative Thomas Caltagirone. I spoke to him personally on this bill, I spoke to him with my sheriff, and I still am a strong supporter of that type of power.

By now, I am sure the testimony of others have touched on all of these issues and the Court cases that have created the current curriculum and circumstances that are partially rescinding sheriff's arrest powers, bringing about the need for this legislation. The Leet, Kline, Kopko and Dobbins decisions have each dealt with the different -- and difficulties in defining the powers of sheriffs in Pennsylvania, considering the concepts of common law and concepts of government by specific legislative enactment.

Our association has long fought the establishment of law enforcement models of sheriffs common in other states. Instead, we have adhered to the settled traditions and statutory roles sheriffs have historically held in Pennsylvania as agents of the Court.

The Leet decision presented the most significant challenges to this position. But over time, we accepted a tacit recognition of the sheriff's arrest powers granted, or affirmed, depending on point of view, by the Court.

This included acceptance of the

notion that those arrest powers serve as the basis for law enforcement functions, although not granting that there was a concurrent duty or imperative activity undertaking those functions.

With the exception of some sheriffs and Boards of Commissioners at either end of this spectrum, this seems to be an agreeable middle ground, particularly when qualified by the certification requirements of Kline and the increased training regimen mandated for deputies. Kopko threw this understanding into disarray by seeming to reconsider the extent and breadth of Leet's common law arrest powers.

Our membership reviewed the issue carefully, and came to the conclusion that on its face there was enough vagaries in Kopko to call into question even so long-accepted traditional roles of sheriff as service of criminal warrants.

From a broader public policy viewpoint, having become accustomed to some level of arrest capacity over the years since Leet and recognizing the absurdity of

questioning whether a trained and uniformed deputy could perform such an arrest, we modified our public policy platform to support clarification of sheriff's powers in the wake of Kopko versus Miller decision. The Dobbins decision sealed the need for legislative intervention.

Still, our membership retained reservation about operation of the sheriff's office as the law enforcement agency, so our resolution qualifies the call for clarification of arrest powers, in quotes, only to the extent necessary to restore powers generally accepted historically and only as supported by operational -- operating consensus in the years following the Leet and Kline decisions. The association opposed any other, or any further, extension of police powers to sheriffs, end quotes.

The question then is our position on House Bill 2585. The County Commissioners Association Courts and Corrections Committee reviewed House Bill 2585 and issued the sheriff's powers at the -- the issue of the sheriff's powers at the annual conference held

during the first week of August.

The committee determined that HB 2585 represented an attempt to go beyond restoration of traditional sheriff's powers and therefore CCAP opposed the bill. Per our members' action at our annual conference, existing policy in Pennsylvania's county platform stands: We support simple restoration of powers, but we will not support the -- this attempt to expand the powers and duties of the sheriff's office.

At this meeting, the Courts and Corrections Committee heard from representatives of the Sheriffs' Association to discuss their request for CCAP support on the bill. During the meeting, the representatives were given substantial time to present their arguments in favor of the bill, which they claim to be simple restoration of powers to sheriffs as they exist prior to the Court ruling.

After their presentation, the committee members conferred and determined unanimously that the current language in House Bill 2585 represented an expansion of

sheriff's powers and cannot be interpreted as a simple restoration. Further, the committee reaffirmed its position in support of simple restoration and urged the sheriffs to return to the language of House Bill 466.

I would like to present some history to help the committee understand our position better. We have been negotiating with the Sheriffs' Association for a couple of years in the matter. And though we have heard arguments on House Bill 466 from the last Session, we were surprised by the new draft which abandoned the basic principles of that bill.

Several meetings were held to discuss the new language and to present our objections. We expected to see revised language prior to introduction of the bill and were even more surprised to learn that after commitments were made to work through the commissioners' concerns, the original version was introduced and the Pennsylvania Sheriffs' Association began to engage in advocacy in support of the bill.

We simply -- We support simple

restoration of the statutory powers as they existed prior to Dobbins, but oppose expansion any further, including placing in the statute language to support specific local practice, beyond -- believing that traditional policing be the matter between state police and municipal governments.

House Bill 2585 goes much further than simple restoration. It includes language on contracting, hiring, sheriff's qualifications, and other matters that in some respects differ from the existing provisions of the County Code and certainly go well beyond the practice of pre-Dobbins.

Importantly, by including the word duty, it is, at minimum, a call into question the permissive nature the sheriffs ascribe to the bill, and depending upon Court interpretation could require counties to budget for full policing.

We have two important matters that must be taken into account as part of the deliberations. The first is whether the arrest powers are cast as permissive or as duty. While this may seem an arcane

distinction, it is an important one in the relationship between commissioners and any of the row offices.

The commissioners are, by statute, the county's chief financial administrators and possess exclusive bargaining, budgeting, taxation and contracting authority for the county.

Given the row offices are independently elected, this creates a certain dynamic tension that the Courts have resolved by holding the commissioners responsible for giving row offices resources sufficient to perform their duties.

Duties is the operative word. Tasks performed and functions that fall outside the statutory duty--permissive function--are matters for budget negotiation. In the context of House Bill 2585 then, it is important to us that the arrest powers be cast as permissive rather than duty, which is not the case as the bill is currently drafted.

Second, we are emphatic that the issue of resolving the Dobbins be kept separate from the larger and distinct

discussion of adequacy of police services generally, and creation of regional policing specifically. House Bill 2585 goes far beyond that simple concern I have noted -- as I have noted.

We have supported and suggested that a return to the language contained in House Bill 466 of last Session would address this and CCAP's concern over keeping the function to this one particular problem.

I understand the concern of some counties that are struggling with a lack of municipal police coverage, and I understand that reliance on the state police is not a complete solution.

You may have heard from Boards of Commissioners who have adopted resolutions in support of the bill. The power of policing lies within the municipality--townships and boroughs--and not within the county. The local taxing authority of those governments allow for a mechanism to fund police services where counties have only one source of taxation and that's the property tax.

This bill is not an appropriate

solution to that dilemma. The counties may not have the resources needed to pay for expansion, which would have to include funding for personnel, equipment, liability, pensions and a myriad of other costs.

Since county property taxes are collected countywide and not collected community by community, the only way to allow a single community to accept -- access sheriff's personnel for law enforcement purposes would be through a contractual agreement for which the counties would have to charge the municipalities. Otherwise, all property taxpayers in the county would be unfairly burdened and forced to support law enforcement services provided to certain municipalities and their citizens, resulting in property tax increases for everyone to benefit only a few.

Contrary to arguments made by the sheriffs, utilizing the sheriff's personnel as a substitute for municipal police forces or in place of state police coverage is not a cost-free or low-cost alternative for taxpayers.

Even if we were to agree to traditional policing by sheriffs, there are many matters that need to be addressed and that apply to municipal police officers: civil service, command and control, civilian review boards, and others.

Attempts to address the broader question of police services raises a complex set of issues and must be considered in their own separate context.

By way of example, our membership recognizes the temptation to commingle the two issues, and in its policy statement made, to the extent police powers are granted by the legislature, courts, or otherwise, legislation should be developed to:

Provide for ultimate control by county government;

Specifically the expanded powers are permissive but not a duty, making expansion of police discretionary on a county-by-county basis rather than requiring it statewide;

Creating a standardized procedure that could be followed in any county to

delineate how decisions will be reached in the event of an expanded scope of authority for a county sheriff's department desired;

Place review of sheriffs' departments under some civil review panel to assure immediate public accountability;

Require training, with reimbursement for training costs on the same terms as a municipal police officer;

Place the sheriff's department under statutes applicable to municipal police;

Administration, including those relating to mutual response agreements, command and control, hot pursuit, civil service procedures and the like;

Provide for liability and indemnification;

If patrol and other police services are to be provided to municipalities in the county, name the county government as the contracting manager, with the ability to establish reimbursement for service or a special taxing authority for counties to cover costs;

If patrol and other police services

are to be undertaken within the municipalities in the county, provide a mechanism requiring notice and municipal approval or acknowledgement;

Reserve the integrity of the county governing body's ability and prerogatives to execute contracts and to establish the budget for the sheriffs; and

To clarify the role of the sheriff in serving a criminal warrant.

I can expand on any of these points if a member of the committee would wish. In particular, I need to clarify the point above in the training costs.

Counties are currently reimbursed for costs of training, and any new provisions must address the importance of assuring that each county has the same resources to guarantee consistent training of our sheriff's personnel in the event of any new laws that may expand powers.

I would like to comment as well on the issue of con -- of the content of training. House Bill 2585 does not provide the same quality of training as it exists

under the current law, and transfers oversight to a newly created body without parity to the makeup of the current board under Act 2.

Suffice it to say that we have asked the members to give consideration to some of these points and the complex set of questions that need to be addressed as they arise under the current bill, and to proceed to consideration, and urge that we return to consideration of House Bill 466 out of last Session, addressing the single matter at hand as a result of the Leet, Kline and Kopko and Dobbins decisions: restoration of clear, concise, permissive arrest capability.

Those are my comments, as they stand. A lot of what's been said here on both sides of the table, everybody is missing common sense somewhat here.

The sheriff says they stand, should, as has been pointed out by the state police, have arrest powers within their -- when they oversee -- or see a crime being committed within their jurisdiction or in front of them.

But currently, our sheriffs

investigate a lot of other acts. They investigate on pistols and on their -- on pistol permits. When they go into looking into some of these matters that's an investigation, is that going to get thrown out?

I disagree with the D.A. Association that just becoming a detective clears the issue. I don't believe that it does. I think they should -- Currently, once they put on that uniform and get the proper training, should have arrest powers.

Now, as far as jurisdiction between municipalities and state police, I think the state police already addressed that. In the fact that, currently, if a deputy sheriff saw a crime that was committed in downtown Milford, where our county seat is, they would turn it over to the local municipal police where it's needed. But if they were out in the -- another municipality where there was not a police department, in a state police jurisdiction, they could stop that individual and call the state police to finish up any investigation that needed to be.

I think those are long-existing traditions that have been there for -- when a crime is committed. And I think we just need to go to the table here, find a way to put a bill together that restores these powers for these folks, and instead of going around in circles.

I disagree with this bill, because there is a lot in it that does not go just to the issue that needs to be addressed. As far as counties are concerned, some counties have unions that control their deputies, some don't. I think that that goes the long ways to say that, that it really depends on county-by-county jurisdiction and county by county.

In my county, we would work with some of the municipalities if they came, and worked out a contract for it. But I can't do that. And I can't even consider that, if a municipal government came to me, and said, gees, can we work out a contract to do some police? I can't even consider it now because the powers have been taken away from me.

We need to sit here, with your

committee, sir, and readdress this. This bill, as far as I am concerned, has some flaws in it. If it can be fixed, let's fix it. Get the people to the table and do it. But we are going around in a circle now.

CHAIRMAN BELFANTI: Okay. I am going to start off with a question. I was a supporter of 466.

MR. FORBES: I know you were.

CHAIRMAN BELFANTI: And because there was not as much detail in it, it ended up, as I stated at the onset of this meeting, in the Judiciary Committee where it received two public hearings and then was, of course, tossed and never saw the light of day for a vote. I am looking for a vote on the House Floor. Who's for it? Who's against it?

Now, had the coalition that was just up here -- And I would put you, certainly, on that side. Not in its entirety, but more with them. Them am's than these am's. If we agreed to go along with all of your bullet points, the second half of page three and the last one on page four of your testimony, and we can get the Sheriffs'

Association to have their legal counsel look at those bullet points and somehow nurture them into 2585, can you tell me, with some certainty, that the other organizations who are here today, who would like 2585 to go away, would go back to something more like House Bill 466 with the provisos that you outlined?

MR. FORBES: I can't speak for the other groups. I think that they -- As I stated, I think we all have to sit down and find a bill -- or find some language in, within of some of these questions that could be addressed to give the powers back. I think the legislators here have to come up with something that everybody can work with.

CHAIRMAN BELFANTI: That's what they thought they did.

MR. FORBES: I think there's a fear out there of expansion of powers. And I don't know why, because these people are trained at a level of any municipal police officer and beyond, in my opinion. I think that they -- they go a long ways, to serving the public of our communities, but yet their hands are

literally handcuffed in this particular case until this issue is qualified.

The big issue for us is duty versus mandated versus what is working within the context of the county government to allow certain provisions that it should not be solely left in the sheriff's hands.

Somebody addressed the Salary Board, and the Salary Board does set the amount of deputies that are allowed within a county because that's the mechanism that that law allows us to do.

But the budgeting step part of that then comes with the county commissioners. Now, the county commissioners and the sheriff make up the Salary Board, along with a controller, or the treasurer if you don't have a controller, that establishes the amount of deputies that you need to perform those particular duties.

That isn't an issue to me. That, again, is nothing more than negotiating with counties, asking what you need to do your job within that particular county. And if that particular individualized county wants to

expand their sheriff's office, then so be it. That depends with that board, governing board, and with those municipal elected officials within their county jurisdiction. I mean, control on the municipality, I think some of these issues need to be provided for. And I think that that just goes to the -- the bullet points go to those issues. You know.

But you are going to have to get everybody at the table, at one place, and set and hammer something out.

CHAIRMAN BELFANTI: Okay. Well, I know I won't be in a position to do that, but I would hope that you have the business cards of the group that was here. And perhaps, in the immediate future, can set up a meeting, which would include the Sheriffs' Association --

MR. FORBES: Absolutely.

CHAIRMAN BELFANTI: -- to see if we can go point by point and come up with a bill that is a hybrid between 2585 and 466.

MR. FORBES: If you want help, bring it to me.

CHAIRMAN BELFANTI: I have no

problem with that. I am not etched in stone on my bill. They -- You know, exactly as written. It's the best we could come up with, with the amount of outreach and advice that we received from all of the organizations that we heard from.

And thank you very much for your testimony.

At this time, I would like to ask William Mullen, sheriff of Allegheny County, and Tom King, Esquire, Dillon, McCandless, King, Coulter & Graham, LLP, and the solicitor for the Pennsylvania Sheriffs' Association.

I am not sure which of you two gentlemen would like to begin, but whoever it is.

MR. KING: I will defer to Sheriff Mullen. Thank you.

SHERIFF MULLEN: Good morning, Mr. Chairman. My name is Bill Mullen. I am the sheriff of Allegheny County. I have been the sheriff of Allegheny County since 2007.

Before that, I was a Pittsburgh police officer for 37 years. I came up through the ranks of the Pittsburgh police as

a patrol officer; as a narcotic detective; as a homicide lieutenant; as a zone commander; assistant chief in charge of operations, which is uniform division; assistant chief in charge of investigations; and I retired as a deputy chief.

I retired as a deputy chief to go take the job as a chief deputy for the sheriff's office in 2006. Subsequently, I became elected as the sheriff in 2007, and again in 2009.

All of the arguments I have heard today are the same arguments I heard in 1994 when I was a member of the FOP, Lodge Number 1, for the Pittsburgh police. At that time, we were trying to be certified, the Pittsburgh police were trying to be certified under the Act 120 of this municipal police officers.

The arguments and the fears and the questions I hear today are the same arguments and fears and questions that I heard then, and they didn't all come to fruition.

I mean, since 1994, created by an act of the legislature, the Pittsburgh police -- or excuse me, the Allegheny County

Sheriff's Office has been certified as municipal police officers. Not only these things have come to play, we have worked out a plan where, you know, there is no jurisdictional disputes, there is no cross-investigations. Things have worked out well in Allegheny County.

Now, some of the things that we have done in Allegheny County as the sheriff's office is, because we have people assigned to the task force, we have been able to investigate gangs, in task forces, which, you know, we -- some of these other communities, some of these other counties, have not been able to do.

And that's brought in approximately $400,000, from massive forfeitures, into our accounts. Which we have been able to use not only to, you know, buy equipment and do additional training, but also share it with the various neighborhoods in Allegheny County, by backing people up.

Now, during my tenure there, we have answered calls in one of the busiest districts in the City of Pittsburgh when

people didn't show up for work because they were sick. And there were some courts, the courts called the different witnesses to come in and testify. Until they could get people out on their overtime, we were able to answer and take their calls.

When the three police officers from Pittsburgh were killed on April 4th, 19 -- or 2009, we were called to take the calls in Zone 5 until the Pittsburgh police could remedy the situation there.

We handled those calls not only for daylight but for p.m., until some psychologists could come and address the trauma that was associated with those police officers being killed.

In 2009, the Penn Hills Club, Police Officer Michael Chrawshaw was also killed. At that time, we were called to take the calls in Penn Hills. During the funeral, because the Penn Hills is a small community in Allegheny County, they didn't have enough people to man their station while they went to the funeral. We again held that for two -- two different shifts.

Because we have an investigative department--there was a burglary there--we were able to follow that burglary up until we made the arrest on the burglary. I mean, these are examples of what we have done.

Recently, people assigned to one of the task forces, the FBI task force, there was a wild shootout between the Pittsburgh police and some individuals in the East Hill section of the City of Pittsburgh; a civilian was killed. There were two people that escaped, but they didn't know who they were. The information developed by investigation by the deputies led to their arrest.

The deputies then went and arrested them because there was additional -- additional warrants out for them. And the shooting situation arrived again when one of the deputies shot one of the suspects. Both suspects were arrested and admitted to the murder and the shootout with the Pittsburgh police.

These are some of the luxuries that were afforded to us because of the Act in 1994. And for the life of me, I just can't

see why the rest of the Commonwealth doesn't possess these same powers.

I would be glad to answer any questions you may have. Some of the questions that you had before, I could address if you would repeat those questions to me.

Well, one thing I would like to add on this. You know, we've -- You've talked now. You have questioned, certainly, about the cost of this.

Well, Dan Onorato is the executive, is chief executive in the city -- or in the county, and he has not raised taxes for six years. We have not raised taxes in Allegheny County. And we live with the sheriff's office being certified, with an Allegheny County Police Department, and with the district attorneys office. We make less money than the district attorney detectives. We make less money than the Allegheny County police. Although, from a biased point, you know, I think we do much more work.

If there's any other questions, I would be glad to answer them.

CHAIRMAN BELFANTI: Thank you.

We'll allow your colleague to speak first and then take any questions.

MR. KING: Thank you. Representative Belfanti and members of the House Labor Committee, I would like to thank you all for the opportunity that you have given the almost 2,000 deputies and 67 sheriffs of Pennsylvania to come before you. I am proud to be here today on their behalf.

With me, today, are not only the Sheriff Mullen from Allegheny County but the sheriffs of Adams, Allegheny, Beaver, Bedford Bradford, Berks, Carbon, Columbia, Cumberland, Crawford, Erie, Franklin, Northampton, Northumberland, Lycoming, Schuylkill, Susquehanna, Tioga, Union and Warren and York. And the deputies of York County. And we are proud to be here today.

I want to add to -- I have given you some written testimony. I suspect that I have a lot to say and a little bit of time to say it in. So I am going to -- I have submitted the written testimony to you, but I want to tell you a little bit about the background of all of this.

In 1999, representatives of the Sheriffs' Association -- I was there as their solicitor. I have been their solicitor for a number of years.

And by the way, I am a lawyer of 35 years standing. I am a county solicitor. I am a member of the County Commissioners Association by being a county solicitor. I am the county solicitor for Clarion County. I am special county -- special counsel to Butler County for many years.

I am also a school district solicitor for many school districts throughout western and central Pennsylvania.

I am also -- for 11 years have been the sheriff's solicitor. And for almost 33 years, I have been the solicitor for the sheriff of Butler County. We're also the solicitor for a number of other counties.

I wanted to give you that background -- And two members of my family also served in the House of Representatives. I want to tell you, I want to give you that background, because I am happy to answer the questions that were asked today, and to give

you answers from the perspective of how these things really work.

In September of 1999, the House of Representatives convened a House Resolution 167 task force. Tom Corbett was at that time with the PCCD. He led the conversations that took place in that meeting. All of the constituent groups that are here today were represented there. And the report of the House Resolution 167 task force, Recommendations on Improving Local Policing, was issued to the General Assembly under that task force. The report included a lengthy report on the office of sheriff.

At that time in 1999, we were suggesting that the solution to the lack of municipal police and the lack of state police officers to cover every aspect of everything that happens in Pennsylvania, the solution was right before the eyes of the people of this Commonwealth, and that is to use the almost 2,000 deputy sheriffs who are uniformed, who as somebody said here this morning, they ride in marked sheriff's cars, they carry weapons. They are carrying weapons here today. They

have the tools available to be utilized in this Commonwealth.

The people of this Commonwealth, according to a poll conducted by Susquehanna University at the request of the PA Sheriffs' Association, 64 percent of those polled support the PA Sheriffs' Association position on vesting deputy sheriffs with the power to investigate and to arrest for crimes committed, not only in their presence but outside of their presence.

The report from 1999 said this: Although the Sheriff's primary responsibilities are to the Courts, the Sheriff retains all of his common law powers unless abrogated by statute. Thus, the Sheriff has the power and authority to investigate or to aid in the investigation of a crime. More importantly, since the Sheriff retains all arrest powers, that he had at common law, he has the authority to enforce the criminal laws as well as the vehicle laws of Pennsylvania.

And I would suggest to this honorable body that that was the law in 1999.

And it was the law until the Kopko case which had to do with a request to the state police commissioner to train deputy sheriffs as deputy sheriffs to participate in wiretapping with their district attorneys.

The Kopko case -- And by the way, we have supporters in all of these constituent entities. This is not -- This is something that's near and dear to the heart of many people across Pennsylvania. So that, two of the plaintiffs in the Kopko case were, in fact, district attorneys of counties of Pennsylvania, seeking to have deputy sheriffs trained in order to participate in required wiretaps.

The sheriff had no authority to do wiretapping. He never wanted any authority, and didn't -- wouldn't have had any authority under that case. The question was whether the deputies could be trained to be utilized under the auspices of the district attorney.

There are many things that sheriffs do that require--and I beseech you to consider--the need for sheriffs to have a restoration of the powers that they had as

long as anyone could remember in the history of Pennsylvania.

In fact, there are certain things that are not performed by the state police or performed by local police officers. One of those things is labor injunctions.

I am, in fact, a labor lawyer. I have negotiated hundreds of labor contracts, including -- And somebody was talking about binding arbitration. I just concluded the binding arbitration for Clarion County with its deputy sheriffs. Under existing law, they have no power to strike.

We just concluded the binding arbitration with them under existing law. That's what happens under Act 195, they have no power to strike. In Pennsylvania, labor injunctions, back -- going back to the 1930s -- Jim Hayes and the former commissioner of the state police is here, and he can correct me if I am wrong on the date. But going back to the 1930s, PA State Troopers were directed by the Attorney General and through regulations in the state police to avoid interjecting themselves into labor disputes.

So who gets the role of resolving labor disputes? It's Pennsylvania sheriff's offices by Court order.

Now, if a crime is committed in their presence, then that sheriff's deputy, under Kopko, has the right to make an arrest. But when a crime is committed that's not in their presence, they have no power to investigate that crime.

The same problem exists, for example, in Berks County. There was an attack, a vicious attack on a court reporter. I am going to give you a few of these vignettes because they are really important.

There was a vicious attack on a court reporter, and that court reporter was attacked in the courthouse. The sheriff's deputies attempted to investigate and make an arrest, and that had to be referred out to the local police. Who in Reading -- I don't know if anybody is here from Berks County, but in Reading there is enough crime to go around not only in Reading but where I live. I live out in the country in Butler County. There is a lot of -- there's enough crime to go around

for all of these entities.

But in Reading, the sheriff's office was told, under Kopko, you got to stay out of this. We have to call in the Reading P.D., who are already strained as to what they can do in Reading, as I understand it. I am not from Reading, but I understand they are. And they were -- they had to be called in to investigate the attack on the court reporter.

We have also things like executions that sheriffs do on property. By the way, we -- Well, you, the legislature, you all chose us to be a participant in the protection from abuse statute that you adopted recently. We are the ones who go out and serve the protection from abuse orders.

All of these men and women in this room go out. And every time they go to the door, they face the same uncertainty that a state trooper or a municipal police officer faces when they stop a vehicle on the side of the road. You don't know who is coming to that door and you don't know what you're going to find when you get to that door.

The case that I cited in Bradford

County -- And by the way, those two wonderful deputies who were murdered in Bradford County were plaintiffs in the Kopko case. They were with us. Their district attorney in Bradford County, along with the district attorney of Cumberland County, were actually plaintiffs in our case; seeking to just train the deputy sheriffs, not to get wiretap powers or to do anything crazy.

But the D.A.s were the plaintiffs. They were actually plaintiffs, along with the two deputies who were murdered in Bradford County. And those deputies were out serving warrants. We serve warrants. We enforce protection from abuse orders. We're out there dealing with the public. Our men and women are uniformed and have weapons on.

I believe that if there were an event in the Capitol, that the Capitol Police, the state police and everybody else who is here today would be pretty happy to have all of these men and women, who are adequately trained to intervene, carry weapons, and are sworn to uphold and defend the laws of the Commonwealth of Pennsylvania. I believe

everybody here would be pretty happy to have them all on their side.

I am also on the legal counsel for the National Sheriffs' Association. Forty-six states in this nation have elected sheriffs who have law enforcement powers. In the -- In California, the sheriff of Los Angeles County intersects with a whole variety when you talk about jurisdiction.

By the way, these police jurisdiction acts would all apply as they do in Allegheny County. I live in Butler County. I live directly north of Allegheny County. When I go to Allegheny County, I know full well that every one of those uniformed deputy sheriffs down there has law enforcement authority and law enforcement powers.

They assist on a regular basis. They help get the bad guys. They go out -- Sheriff Mullen has a website, and is often on T.V., and they are out there arresting the bad guys. They are out there finding the bad guys. They are investigating crimes, up to and including murder.

Am I right, Sheriff?

SHERIFF MULLENS: Yes, sir.

MR. KING: And there is no reason why the rest of Pennsylvania shouldn't be in that position.

As a county solicitor, I can tell you there are county commissioners out there who fully support this particular bill. And, in fact, they support the concept that we should define the sheriff's powers, and we should allow the sheriffs uniformly to have these powers.

The reason that we are so supportive of Representative Belfanti's bill is, because you cannot create, without endangering the men and women of these sheriff's offices, you cannot create doubt and confusion about what their power and authority is. You cannot have the residents of the Commonwealth of Pennsylvania trying to guess from sheriff -- from county to county or sheriff to sheriff, what their authority is.

As to the extent of the use of that authority, that's another question. This bill would do nothing to change the historic relationship between sheriff's offices and

county commissioners and county governments.

This bill would retain the same rules that apply now. The sheriff has no authority, absent some statutory grant of that authority, for example, to enter into contracts. Only the county commissioners or the county counsel or the county executive in Home Rule counties have that authority.

We are not proposing to change that. Our position would be that that historic relationship between county commissioners and sheriff's offices would remain in place.

In addition to that, we are vested with the equipment and the manpower and the number of deputies that the County Salary Board grants.

Now, someone raised that issue about, well, what's a County Salary Board? I suspect that you all know what a County Salary Board is. It's by statute. The County Code historically vested, and still does, the County Salary Board with the right to determine the number and types of employees.

And I will tell you that County

Salary Boards consist of all of the county commissioners in the county, together with the county controller in those counties--in the class of counties where there is a county controller--and with the sheriff when the actions involve the sheriff.

So you have got a five-member board that controls the number and types of employees to be hired. Those counties retain the absolute right to determine how many deputies will be out there.

And I will tell you, because I live in Butler County, I will tell you that in Butler County recently, we had, because of budget constraints, we had a reduction in the number of deputies. And there was a great to do about it in the county. But the county commissioners, through the Salary Board, have the right to reduce the number of deputies.

I will also tell you that I have been involved in cases where deputies were terminated. And there is a process for that termination, and that process is under the County Code and it is under the Loudermill case from the United States Supreme Court.

And there is a way to get rid of deputy sheriffs. And all of those deputies are subject not only to the criminal laws of the Commonwealth of Pennsylvania, they are subject to the policies that the county governments put in place applicable to the employees of that particular county.

This fear of elected officials certainly cannot find its way up to the legislature. All of you are elected. You are elected and you are subject to the will of the people. If you don't do what the people want you to do, within reason, you are going to be tossed out of office just as we would.

My father, who was a member of this House, was also a county commissioner. Reminded me of that constantly: The people have the right to elect and they have the right to throw you out just as they have elected you into office.

This fear of an elected executive -- or an elected sheriff really has no place in Pennsylvania history. Sheriffs have historically been elected.

And by the way, the legislature

thought enough of electing law enforcement officials that it created an elected Attorney General's position. Remember, that the Attorney General used to be appointed by the Governor. You all thought enough of electing law enforcement officials that you decided that we should elect the Attorney General. And we have been pretty successful at that. And the Attorney General serves at the will of the people.

I will also tell you that as a result of this Kopko case, what has happened to the people of Pennsylvania and what has happened to these deputies is a travesty because we are no longer able to work.

And by the way, we had wonderful relations with the Attorney General's office. We had terrific relations with the county commissioner's office. One of the things that Mr. Forbes raised was taking care of liability issues or things of that nature.

We worked closely with CCAP, with the county commissioner's insurance trust. And we were able to secure insurance for every county that participates in CCAP, for the

participation of sheriff's deputies as law enforcement officers in Pennsylvania. That was -- That predated Kopko. We had people working on the Attorney General's drug task forces. We had people working on the DI -- on the D.A.'s D.U.I. checkpoints, and successfully so. We had people providing courthouse security, conducting crime scene security.

We had deputy sheriffs -- I -- One night I spent in a tragic death, in a murder of a young man in our community, I spent out on the trail. And I spent calling the Attorney General of Pennsylvania at the request of the Pennsylvania State Police in my community to try to get the crime lab open because they had found blood on a trail and needed to have it investigated.

And I got to tell you, I was out there with those people. I was out there in the woods. There were sheriff's deputies. There were municipal police officers. There were state troopers. There were game commission people. There were C people that were organized by the sheriff.

We have a sheriff's posse in Butler County. They are folks who ride horseback. They help patrol the fair. The York guys take care of the York -- Don't you? You take care of the York Interstate Fair.

The York Interstate Fair, there is a statute that you approved, under the County Code, to allow -- At the request of the sheriff of York County, there's a statute that you all approved to allow these deputies to participate in providing a law enforcement service at the York Interstate Fair, which is one of the largest fairs in the United States.

There are lots of things that we do that other people don't do in particular. Our deputies provided, after nine one -- After 9/11, after what happened in 9/11, it just -- it appalls me that anybody would come here from law enforcement and suggest that we should somehow continue to bootstrap other law enforcement by suggesting that they can arrest, like any ordinary citizen, on sight.

Our sheriff's departments provided security for airports in Pennsylvania. Right when 9/11 hit, sheriff's deputies went out and

provided security. In Clarion County, our sheriff's deputies went out and provided security at the non-fenced water company.

In addition to that, we provided -- our sheriff's deputies provided security in Erie County through Sheriff Merski. Had it not been for the Kopko case, we would have had a boat, a patrol boat that would have been funded by grants from the United States government to help patrol the Port of Erie. That didn't happen.

Our sheriffs also had signed contracts to help in the federal penitentiaries, to chase the bad guys when they break out.

And that actually has happened. In Chester County, we had a few -- I don't know if anyone is here from Chester County. But Chester County deputies were instrumental in chasing across Chester County and Lancaster County and -- That when the prisoner escaped -- The prisoners escaped a few years ago. There was a massive search down there. The sheriff's deputies were instrumental in that.

Why wouldn't you use the 2,000 people, the men and women who are out there, and they are sworn and trained? As Harry Forbes said, they are trained --

And I am not here to knock anybody. We have the greatest respect for the state police and the municipal police and every other uniformed officer in this Commonwealth. All we want is the ability to work with them.

But I am telling you that the training, as Commissioner Forbes said, that training is superb. The training you provide the sheriff's deputies is, absolutely, it would provide all of the requisite training here.

Perhaps there might be something that the state police would suggest, one way or another, in -- with respect to crimes investigations. But crimes investigations are part of the training that the legislature has provided for deputy sheriffs. It's in the training. I provided a list of the -- from the training act, which you may be familiar with. But much of what's been talked about here today is provided by deputy sheriffs.

One of the worst things that I saw happen--and I am a school solicitor for a lot of school districts--is when Columbine hit, and the massacre that took place at Columbine. When that hit, the COPS program in Washington, D.C., came up with a program to provide funding for school resource officers.

I am not sure if any state trooper or -- or I know that perhaps some municipal police officers may have done this. But we went, Sheriff Merski and I went. About two days before 9/11, we flew in a plane to Washington, D.C., on behalf of the Sheriffs' Association. And with the assistance of the National Sheriffs' Association, we obtained grants for sheriff's deputies in Pennsylvania in order to serve as school resource officers, where municipal police officers were not available to do that. And certainly, there were not sufficient state troopers to ever do that.

We had deputies in the schools. In Centre County, Pennsylvania, and in Erie County, Pennsylvania, we had uniformed deputies. And in Butler County, Pennsylvania,

we had uniformed deputies in the schools serving as school resource officers, with grants from the COPS program, because of the great concern over the Kopko decision and what it means in Pennsylvania. And I don't think there is any uniformity, whatsoever, on what it means.

And what I will tell you is that we lost those grants. And hence, we lost those officers in those schools. And everyone knows the needs for security in schools in Pennsylvania and everyone knows that the resources are mighty thin to provide it.

And we have uniformed deputies in counties where county commissioners were willing to have those deputies go out and provide those services to the school districts. And we got rave reviews. And the kids liked it as well.

And I guess one of the things that I want to say to you about homeland security is this: This Senate of Pennsylvania, on November the 20th, on the adoption of Senate Bill 1569 -- And I have attached a copy of the record, of the legislative journal, which I

used to carry when I was a page boy in the House and the Senate. But you don't do that any more. Now you have computers. I used to lug these around.

Senate Bill 1569. On the Floor of the Senate, there is legislative record, wherein the question was raised by Senator Orie, with whom we have worked closely, and Senator Costa from Allegheny County, who was formerly with the sheriff's office in Allegheny County --

SHERIFF MULLEN: Pittsburgh police.

MR. KING: Pardon?

SHERIFF MULLEN: Pittsburgh police.

MR. KING: The Pittsburgh police. And supports the sheriff's office in Allegheny County, and supports us. And Senator Tomlinson.

And there was dialogue on the Floor of the Senate when the issue came up of the creation of counterterrorism planning, preparedness and response. And the question was posed by Senator Orie. Just one other question, Mr. President. Under the term "county" that is described on page 3, lines 27

to 28, it defines county as a municipality or municipal government. Does that in any way affect sheriffs or deputy sheriffs from participating in the regional counterterrorism task force?

Senator Tomlinson. Mr. President, no. Again, sheriffs already do participate in the counterterrorism task force, and there was no intent, because of that definition of county or municipality, to exclude sheriffs. Again--and this is important--again, we want the sheriffs' departments to participate as law enforcement agencies, along with the police, municipal police, county police, the district attorney's office, and any of those agencies that are going to participate. We welcome and want the sheriffs' departments to participate also.

I guess I will try to wrap this up because I know you may have questions that I would be happy to answer.

In short, I think that we have been at this for an awful long time. There are many -- There are a variety of bills that probably would have been acceptable to the

sheriffs.

I met with Rep. Marshall, a while ago, in his office. And one of the reasons I met with him was to ask him to kind of back off a little bit, because we wanted to go to these constituent folks. And I asked Rep. Marshall to not get us into hot water with the other groups, who we said we would work with, and we have attempted to work with them.

I met with the District Attorneys Association myself at the request of my own district attorney and at the request of the late district attorney from Erie County, who was the president at that time. And I met with him in Pittsburgh at Station Square, in order to discuss many of these issues. I know that our sheriffs, including Sheriff Bonnie Welsh, our immediate past president, has spent an awful lot of time talking to the constituent groups.

Some of these issues may never go away. We are all Pennsylvanians. I have lived here for 60 years in Pennsylvania. I am a native Pennsylvanian, even though I went away to the University of Virginia for a few

years.

But I am a native Pennsylvanian. We know -- You know the turf wars that exist between the constituent entities in Pennsylvania, and this is one turf war that should go away and not hold up the use of 2,000 uniformed and properly trained men and women in this Commonwealth.

And sitting next to me, Sheriff Mullen, who has had a story career in Pittsburgh, he is a cop's cop.

If you don't mind me saying that?

He is the guy that we -- I live in Butler County. We watch him on T.V. We watched him before he was -- before he became the sheriff of Allegheny County. We know that Allegheny sheriffs work hand in hand with law enforcement in Allegheny County. We know it can work. We know it does work.

All the rest of this is a smoke screen about jurisdictional issues, and the problem of one group working with another and getting ahead of another. I suggest to you, respectfully, I feel very strongly about this, as you might tell. I feel very strongly about

it because I know it works.

Here's the proof of the pudding. It's in the tasting. Right next to me is the guy who just told you, he had no other motivation to do that. Allegheny County already has the power to do this. But he told you it works, it does work, and it helps get the bad guys off the street. And that's what we're here all about.

And I thank you very much for listening to me, and I would be glad to take any questions that you have. And I am sure I forgot something. I am going to hear it a hundred times behind me, so.

CHAIRMAN BELFANTI: I am not going to allow any.

REP. BOYD: I second that motion.

CHAIRMAN BELFANTI: No, I'll -- if there is anyone with a brief question that does not entertain any long answer.

Yes, Rep. Delozier.

REP. DELOZIER: Would you support -- and I -- This is my first term, so I am asking this question quickly, as to historically.

We, in Cumberland County, are very lucky, because we have a good working relationship, our sheriffs, P.D.s and the state police. We --

MR. KING: I went to Dickinson Law School, but.

REP. DELOZIER: Okay. But the point that the past bills that are there, and the Chairman mentioned that fact of compromise, I wholeheartedly think that we need to have that compromise. That we would -- All of our law enforcement --

MR. KING: Right.

REP. DELOZIER: -- to work together. We can't have these individuals, that can help us, not protect our public. Would that be something that you would, if it would come up with that compromise, sit down at the table?

MR. KING: Yeah.

REP. DELOZIER: I would be willing to do whatever we need to do, work with whoever we need to work with, to find that compromise language. Would that be something back to 466, or whatever, that would make that

work?

MR. KING: I believe you'd find that sheriffs are probably as amenable to working this out as anyone.

The problem is that it's now been 11 years since the presentation in 1999, and the problem is that sometimes in life, some people just aren't going to get along on a particular issue.

And I don't mean to suggest that we would not. We would be amenable to compromise on a number of these things. The problem that we have, of course, is treating sheriff's deputies differently from county to county. 466 would have given each county the option to create --

REP. DELOZIER: I am not saying that's perfect language.

MR. KING: Right.

REP. DELOZIER: I am just asking. Because I guess I have a problem when municipals, PSP, D.A.s and sheriffs -- I respect the job that each and every one of them do.

MR. KING: Right.

REP. DELOZIER: They do it voluntarily for our communities. And I guess I am hard-pressed to figure out that there's absolutely no compromise that we can come up with that will allow individuals that are sheriffs to do their job, do their job safely, and help us, when we have House bills, like 1500 coming through. That, you know, Monroe Township, in my district, don't use -- or use the state police and don't have municipals.

MR. KING: Right.

REP. DELOZIER: We have many, many, many municipalities that don't have protection. Why can't we make use of the sheriffs and having something that's comparable to everything else?

MR. KING: I agree wholeheartedly with you. As a matter of fact, I have spoken to county commissioners who have asked me, why can't we get the sheriff's deputies who are in the courthouse? Again, I talked to Berks County commissioners, who said, why can't we get those sheriff's deputies in that courthouse to come and help us in Reading? Why can't they assist us?

Reading apparently didn't have the money, when the commissioner was talking to me. He said, they can't -- they can't hire the -- like most of the third class cities. I live in Butler. Or, I live near Butler. The same issues, all the third class cities.

And why can't we get those sheriff's deputies to come out and help us? And I will tell you, in Mercer County, Sheriff Romine in Mercer County uses sheriff's deputies in their cars. Although, they can't investigate crime. But he puts them on the street in Farrell and Sharon. And he puts them on the street in Farrell, where there has been -- have been high crime areas. And they help to keep people from committing crimes. Their mere presence helps to stop crime.

And so, the answer to your question is that we would be certainly agreeable if someone suggested alternatives to the language that we have suggested.

All we are trying to do is to comply with the Supreme Court's -- the situation created by the Supreme Court. There were three cases in a row that affirmed our

duties and one case that didn't and the Kopko case that didn't has created problems.

And the Supreme Court did not say, go use cross-designation. That's not what the Supreme Court said. Although, in some cases, some D.A. might want to use cross-designation. It creates a myriad of other problems like, whose employees were they if something happened? Who directs them?

And talk about Act 111. In those D.A.s offices where they have Act 111, how do you get in and out in an Act 111 unit? How do you slip in, as a cross-designated county detective, in a labor context?

You all are on the Labor Committee. How do you get in that bargaining unit and get out -- and then get back out of that bargaining unit and not be in that bargaining unit?

And that's one of the things that my county commissioners are concerned about. That's one of the things they talk about. Cross-designation, who's in charge of those sheriff's deputies at that point? What power would the sheriff have over cross-designated

deputies? Would it -- And are they D.A.'s employees? Who's insurance covers them?

There are a myriad of issues that I am sure are not familiar to the state police or other folks who don't -- who are not involved on a daily basis in county government.

But there are lots of problems with the cross-designation issue. One of which is, they are wearing sheriff's deputies uniforms. They are wearing uniforms from -- And they are trained as sheriff's deputies. Who's in charge of them? And how do you get them in and out of bargaining units? And what insurance covers them? Those are issues -- Those are the issues that are before us.

CHAIRMAN BELFANTI: Okay. Thank you very much, and I would like to thank all of the individuals who came here on behalf of their organizations and their departments, et cetera, to give their final plea before this committee on what action we should or would take.

To be fair to all of the participants here, I know that there have been

changes that the state associations, like the Sheriffs', have had changes in their president. Bonnie is no longer the state president. I know that those things occur with the FOP and with the state police and other entities. In that regard, we are pinching out of legislative action time.

We do have some budget items that need to be wrapped up, so I doubt that we will be home prior to those things happening.

But I can tell you that my desire is that this committee will schedule this bill to run. It will run with or without amendment. If it is adopted, I will ask that the speaker put it on the calendar as soon as possible so that it has ample time to be heard in the Senate. Those rules are a bit different, but they are similar, and this legislation can be put on the Governor's desk.

Now, that's my viewpoint. And I know there are members of this committee that do not share that viewpoint. If the matter goes down at the committee meeting and it's over one or two or three major insurmountable issues, the next chairman of Labor Relations,

next term, I hope will give it its due.

I am quite disconcerted that with the effort that was made by many individuals, you heard people say it, well, we didn't negotiate. And then you heard nine other people say, well, during our negotiations. So I don't know what people did or what they didn't do. They didn't keep our office informed, as I asked, other than some secondhand information, and information that I received from one of my local sheriffs who has been very active.

But, again, I am not trying -- I am not the kind of person--and Scott knows that--to cram a bill down anybody's throat, because it's the time of the year that we are at now that is going to cause me to do what I have typically never done as Chair of the committee, in minority and majority, for 16 of my 30 years. So I do have some history as having the bully pulpit in this room or at least with this committee, so I would like to advise everyone of that.

If you can get together between now and next week, it is my intention to try and

hold a meeting next week. It will likely be Tuesday or Wednesday of next week, we will hold a voting meeting on this bill. And if -- Again, what happens, happens. If it does not have enough votes, we will start from square one next Session. If we adopt the bill, I am going to ask that it goes right to the Floor. And it is not held up in appropriations or somewhere else, or rules committee, so that it does have time to get to the other chamber. Okay?

And once again, all of your comments were noteworthy. I know they are all sincere. You know, I know there is a bit of pushing and shoving, and things that go along with controversial issues. But this has been a long debate. Long overdue, in my opinion. Ten years overdue or better. So it's time that we bring this to a head.

And if it's not going to happen this term, I assure you it's going to happen. So. Or, something is going to happen. We need to have all 67 counties on the same page here. If it works in Allegheny and it works in little Montour--eighth class county, the

only eighth class county we have, and a big county like Allegheny--why can't it work everywhere?

With that, any other opposing comments from my counterparts?

(No response.)

CHAIRMAN BELFANTI: Meeting adjourned.

(At 12:45 p.m., the hearing concluded.)

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C E R T I F I C A T E

I, Roxy C. Cressler, Reporter, Notary Public, duly commissioned and qualified in and for the County of York, Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript of my stenotype notes taken by me and subsequently reduced to computer printout under my supervision, and that this copy is a correct record of the same.

This certification does not apply to any reproduction of the same by any means unless under my direct control and/or supervision.

Dated this 26th day of September, 2010.

Roxy C. Cressler - Reporter
Notary Public

My commission
Expires 5/09/2013