

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: Oversight Hearing on County Sheriffs

* * * * *

Stenographic report of hearing held
in Room 140, Majority Caucus Room,
Main Capitol Building, Harrisburg, PA

Tuesday,
August 17, 1993
10:00 a.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Jerry Birmelin	Hon. Christopher McNally
Hon. Gregory C. Fajt	Hon. Jeffrey E. Piccola
Hon. David W. Heckler	Hon. Robert D. Reber
Hon. Frank LaGrotia	Hon. Karen A. Ritter
Hon. Kathy M. Manderino	Hon. Chris R. Wogan
Hon. Albert H. Masland	Hon. Frank W. Yandrisevils

Also Present:

Galina Milahov, Research Analyst
Paul Dunkelberger, Republican Research Analyst

Reported by:
Ann-Marie P. Sweeney, Reporter

ANN-MARIE P. SWEENEY
3606 Horsham Drive
Mechanicsburg, PA 17055
717-732-5316

ORIGINAL



INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PAGE

Forrest Seibring, Sheriff, Monroe County, Secretary to State Sheriffs Association	4
Harry Geiger, Sheriff, Pike County, Legislative Director of State Sheriffs Association	17
Eugene Coon, Sheriff, Allegheny County	23
Vern Smith, Sheriff, Clarion County	24
Hank Johnson, Esquire, Counsel to State Sheriffs Association	8

1 CHAIRMAN CALTAGIRONE: This is the
2 oversight hearing on county sheriffs. I'm Tom
3 Caltagirone from Berks County. I would like the
4 members and staff to introduce themselves for the
5 record.

6 REPRESENTATIVE YANDRISEVITS:
7 Representative Yandrisevits from Northampton County.

8 REPRESENTATIVE MASLAND: Al Masland from
9 Cumberland County.

10 REPRESENTATIVE MANDERINO: Kathy
11 Manderino from Philadelphia County.

12 MS. MILAHOV: Galina Milahov, Research
13 Analyst.

14 REPRESENTATIVE REBER: Representative
15 Reber from Montgomery County.

16 MR. DUNKLEBERGER: Paul Dunkleberger from
17 Republican staff.

18 CHAIRMAN CALTAGIRONE: As part of the
19 duties of the Judiciary Committee, one of the things
20 I've tried to do over the years is to bring a closer
21 working relationship of court employees, officers of
22 the court. We're going to be meeting with the clerk of
23 courts and the Prothonotaries in the future. We have
24 the president judges, the Common Pleas judges. Last
25 week we met with the district justices, and I think

1 it's important for us in the policymaking and lawmaking
2 area of government to establish a close working
3 relationship with those offices in the county, a better
4 working relationship to find out what their problems
5 are and whether or not we created more problems with
6 some of the laws that we pass, to establish a good
7 working dialogue and have an exchange like this, and I
8 think this may have been one of first times that we've
9 had the sheriffs in a forum like this so that we could
10 exchange points of view, and with that I'd like to open
11 it up.

12 Don't feel constrained by any formal
13 guidelines. There are none. We're looking for
14 information. We're looking for some thoughts on how we
15 can better improve our operation of government and how
16 we can work with you, and if you would like to start
17 off, we'll start off with Sheriff Forrest Seibring.

18 MR. SEIBRING: Okay, in reply to the
19 communication that was mailed to us, I tried to put
20 together here a package on duties and roles of the
21 sheriff, so I'm going to read a brief statement and
22 then I wish if you had any questions or whatever that I
23 could possibly try to answer them.

24 The sheriff, as a peace officer under
25 criminal procedure, as a peace officer, the sheriff is

1 responsible for maintaining order throughout the county
2 and for preserving and quelling riots and uprisings.
3 These duties were ones of major importance. Today he
4 shares this responsibility with State and local police
5 officers. He makes arrests both with and without
6 warrants, may execute civil warrants, may seize illegal
7 property or property used in violation of the law and
8 may remove certain nuisances on a court order. The
9 sheriff has certain responsibilities in extradition
10 procedure. He issues firearms license and has special
11 law enforcement duties under certain general codes of
12 law such as the Dog Law, the fish law, and the Military
13 Code.

14 It's the duty of the sheriff to keep the
15 peace. The general powers of a peace officer. From
16 the earlier days the sheriff has been a peace officer.
17 It has been his responsibility to keep the peace, to
18 apprehend those who fail to keep the peace, and to
19 protect law-abiding citizens. Originally, the sheriff
20 was the major and sometimes the sole law enforcement
21 officer in the county. From time to time other
22 officers have been established with certain law
23 enforcement duties. These include police even in the
24 cities, boroughs, townships, and the State Police who
25 also act within the county where the sheriff has

1 jurisdiction. These offices under ordinary
2 circumstances relieve the sheriff of most, if not all,
3 of the responsibilities for keeping the peace and
4 maintaining order. The district attorney of the
5 county, with the detectives who work under him, as well
6 as the local and State Police, undertake a great deal
7 of criminal investigation. However, the sheriff is
8 still the chief law enforcement officer of the county
9 and has full powers as criminal investigating
10 officials. The sheriff still possesses a number of
11 general peace powers and often has need to exercise
12 them. Some of those powers are under the old common
13 law and it would be difficult to find precise statutory
14 authority for the sheriff to use themselves. This
15 includes the general powers to keep the peace and to
16 prevent riot and insurrection.

17 In Monroe County, we're very much
18 involved with the court on a day-to-day basis, as we
19 spoke here before we started. We serve all of the
20 warrants that come out of the court, serve all of the
21 court orders, and assist the local and State Police on
22 a day-to-day basis with their duties, as well as our
23 duties. And we have a very cooperative effort in
24 Monroe County. We collect fines and costs from time to
25 time for domestic relations for the court or whatever,

1 but it would appear from just what we talked about
2 briefly here that we all have the same problem. We
3 have the indigents in the county that seem to owe us
4 the money. And how are we going to get it? We are in
5 a process right now of starting a community-based work
6 release program. I think on the county level as well
7 as the State level it's a matter of finance, and how
8 much can we afford to do?

9 And that's basically what I have. If you
10 have any questions, I'd be glad to try to answer.

11 CHAIRMAN CALTAGIRONE: Let's open it up
12 to the committee.

13 Questions?

14 MR. DUNKLEBERGER: Mr. Chairman.

15 CHAIRMAN CALTAGIRONE: Yes, go ahead.

16 BY MR. DUNKLEBERGER:

17 Q. Hi, Forrest.

18 A. How are you doing?

19 Q. You stated in here that sheriffs have
20 full police powers or have certain police powers.

21 A. Yes.

22 Q. In the court case Commonwealth vs. -- was
23 it Lee?

24 A. Leet.

25 Q. That courts ruled that sheriffs are not

1 per se law enforcement officers with arrest powers.
2 Would you try to clear that up for me?

3 A. I'm going to let our attorney answer
4 that. He'll give it to you in better answer than I.

5 MR. JOHNSON: Hank Johnson, solicitor for
6 the Sheriffs Association.

7 That was the case of Commonwealth vs.
8 Leet, Armstrong County, which held only that sheriffs
9 were not empowered to enforce the Motor Vehicle Code,
10 and that's all that that case held, and that is
11 presently on appeal to the Supreme Court and we're
12 expecting a decision any day from the Supreme Court.
13 Does that answer your question, sir?

14 BY MR. DUNKLEBERGER: (Of Mr. Johnson)

15 Q. Yes, it does somewhat. Just the Motor
16 Vehicle Code? Was there -- I guess it didn't address
17 the issue of the Crimes Code?

18 A. Everyone ought to read that dissenting
19 opinion. That was a 4 to 3 decision, and the
20 dissenting opinion is probably the best article written
21 on sheriff's powers in existence. The Justices took
22 various briefs that were filed and pulled them all
23 together in a real fine article, and the gist of the
24 dissenting opinion is that the sheriff was a
25 constitutional officer, always has been a

1 constitutional officer, and under the laws that were
2 and are on the books, whatever powers a sheriff
3 possessed at common law remained his under the
4 Constitution. And no law can take those powers away.
5 A legislature may add to those powers, but they can't
6 decrease those powers. And the dissenting opinion goes
7 through the history of all this, cites laws that the
8 legislature passed and makes reference in its opinion
9 to where they repealed certain laws, they always were
10 careful not to repeal sections involving the sheriff,
11 in recognition of the fact that he was a constitutional
12 officer and they could not take away his power. That
13 dissenting opinion, as I've stated, is probably one of
14 the best articles written on sheriff's powers in
15 Pennsylvania that exists to date.

16 Q. Let me pose a hypothetical situation. If
17 a sheriff sees, let's say, a drunken driver going down
18 the road, swerving or whatever, does he have the power
19 to pull him over and make a DUI arrest?

20 A. That's a violation of the Motor Vehicle
21 Code and at this time, until the Supreme Court acts, I
22 would say that the sheriff should not do that because
23 until Superior Court is overruled, that's the law of
24 the land. So my answer to you would be that he has the
25 power as a citizen to do that. If he uses his office

1 as sheriff to do that, I would suspect that the
2 arrestee could probably get out of that as a bad
3 arrest.

4 Q. Okay. Thank you.

5 MR. DUNKLEBERGER: One last thing. I
6 would just like to thank the Sheriffs Association and
7 particularly Forrest for all the help he's given this
8 committee and particularly to me. I call him numerous
9 times with questions and he gets back to me right away,
10 so thank you.

11 MR. SEIBRING: Let me just, if I may,
12 when you talk about the hypothetical position, you have
13 two uniformed deputy sheriffs driving down the road and
14 some little girl steps off of a stopped school bus and
15 a drunken driver hits her and it's a sad day in
16 Pennsylvania when those two uniformed deputy sheriffs
17 cannot stop that car and arrest that guy under the
18 Motor Vehicle Code. We can arrest for murder, we can
19 arrest for burglary, and none of that has ever been
20 questioned and we do that on a day-to-day basis
21 throughout Pennsylvania. Here's a man, Sheriff Smith
22 from Clarion County, 30 years as a State Policeman, a
23 State Police sergeant - traffic, criminal, managed a
24 substation - and the people of Clarion County chose to
25 elect this man as sheriff. Not only is it his duty to

1 arrest that person, but he must. I mean, absolutely
2 people expect him to do it. The sheriff in 40 States
3 out of this nation have full powers of arrest from the
4 Vehicle Code right on up into all the Crimes Code.
5 And, you know, now here we are in Pennsylvania with
6 just this little challenge of talking about stopping a
7 vehicle without a warrant. If we have the warrant, we
8 can still stop the vehicle.

9 And like Hank says, this has not been
10 questioned until now and we're hoping that the Supreme
11 Court certainly rules in our favor. I would estimate
12 that we probably have, in the 67 counties I would think
13 it would be fair to say that there's got to be, you
14 know, 500 cars out there on the road every day being
15 operated by sheriffs and their deputies. We're more
16 than willing to take any kind of training that might be
17 imposed on us. I'm sure you people in the legislature
18 know that the training that we take now under Act 2 is
19 funded by the people that use our office. Every writ
20 that comes across the desk of the sheriff there's a \$2
21 surcharge. We have always funded our own training and
22 we're happy to do whatever is necessary to do that and
23 to meet whatever obligation we might have to do, if you
24 think we need it.

25 I just think it's really bad when a man

1 that has been a police officer for 30 years and because
2 he changes the style of his badge or the color of his
3 uniform that he becomes a dummy all of a sudden and he
4 can't make a mere traffic stop, you know. And there's
5 so many, I mean, many, many of our sheriffs, probably
6 over half of them are ex-municipal or ex-State
7 Policemen that hold that position right now and you
8 know if they didn't have the respect of the citizens of
9 the county, they certainly wouldn't be elected to that
10 position.

11 MR. DUNKLEBERGER: Thank you, Mr.

12 Chairman.

13 REPRESENTATIVE BIRMELIN: Mr. Chairman.

14 CHAIRMAN CALTAGIRONE: Yes.

15 Representative Birmelin.

16 REPRESENTATIVE BIRMELIN: Thank you, Mr.

17 Chairman.

18 Welcome, Sheriff Seibring, and my own
19 sheriff of Pike County, Sheriff Geiger. Just as a
20 point of interest for the members of the Judiciary
21 Committee who come from more heavily populated areas,
22 and I'm thinking particularly of Representatives
23 Manderino and Reber, who probably have a lot of local
24 police officers, a lot of boroughs that have their own
25 police forces, we in Wayne and Pike Counties that I

1 represent have very few municipal police. We have, I
2 think, in Pike County, correct me if I'm wrong, Sheriff
3 Geiger, we have Matamoras and Milford Borough.

4 MR. GEIGER: We have four. Matamoras,
5 Westfall Township, Milford Borough, and Shohola has
6 what they call a part-time funded by the Park Service.

7 REPRESENTATIVE BIRMELIN: There are 13
8 municipalities, I believe, so that means the other 9
9 are either going to have to arrange for some consent
10 agreement with those municipalities or are left without
11 their municipal police. Wayne County has 30-some
12 municipalities and only 4 or 5 municipal police forces.
13 That leaves us dependent upon the State Police. It is
14 not an uncommon situation for Wayne County or Pike
15 County to have at any one time only one or two State
16 Police officers on duty, and we're talking about very
17 large rural counties, but we do have sheriffs
18 departments with deputy sheriffs that if they had the
19 arrest powers that they have been seeking, I think
20 would help especially in the rural areas.

21 It's not unusual for me to get calls at
22 least from constituents who will say, hey, I called the
23 State Police, we thought we had somebody breaking into
24 our property or somebody crawling around with shooting
25 guns, we called the State Police and asked them if they

1 could send someone up and they said, yeah, in two or
2 three days. That's really not adequate. We know, of
3 course, that constables at least at this point in time
4 aren't in the position to enforce the law any more than
5 the sheriffs are, and I think for rural areas in
6 particular the request that the sheriffs are making to
7 give them arrest powers with the proper training I
8 think is a very, very needed addition to rural areas.

9 So I would encourage the members of the
10 Judiciary Committee to take that into consideration.
11 You may not need it necessarily in Philadelphia or some
12 of the suburban areas, but we desperately need that
13 type of police protection in the rural areas, so I
14 would ask the members of the committee if they would
15 think along those lines.

16 Thank you, gentlemen, for coming.

17 MR. SEIBRING: And I would just like to
18 add that we don't feel that we as sheriffs have ever
19 given up that power or that right, that the
20 Constitution provided for the sheriff to do that and it
21 has never been changed, and we feel very strongly and
22 we're hoping that the Supreme Court will agree with us.
23 I know in my department we do 4,000 miles a month of
24 writ service, and you know we observe many, many
25 serious violations that we don't stop. We assist the

1 local police departments on an average of 22 times a
2 month, you know, in stopping a car that they want, or
3 assisting them at an accident scene or a chemical
4 spill. We assist the State Police out on the highways
5 on a weekly basis on Interstate 80 where there might
6 only be two or three Troopers and there's 20 miles of
7 traffic backed up both ways and, you know, we're there.
8 We're there and we want to assist, and I can tell you
9 our constituents in our counties want us to assist.
10 And they need us. We're called on by the fire
11 departments, we're called on by the police departments
12 and office of emergency service. We can respond in my
13 county on a 20-minute notice. I can have 10 men
14 basically in the middle of the night on location
15 wherever we need them. Every deputy sheriff has a
16 marked car at home with him, every deputy sheriff is in
17 full uniform, every deputy sheriff has a pager. As I
18 say, I can assemble 10 men. If not, most times I can
19 assemble 16, but I can put 10 men together in 20
20 minutes' notice at any location in the county.

21 CHAIRMAN CALTAGIRONE: Representative
22 Reber.

23 REPRESENTATIVE REBER: Thank you, Mr.
24 Chairman.

25 BY REPRESENTATIVE REBER: (Of Mr. Johnson)

1 Q. Counsel Johnson, maybe this might best be
2 directed to you, this dialogue, and I don't know if
3 you're going to testify, so if you're going to get into
4 this, maybe we can put it off. But let me fully
5 understand that you're saying that there currently does
6 not exist the opportunity for a sheriff to have arrest
7 powers to arrest for a misdemeanor committed in his
8 presence that a crime under the Crimes Code

9 A. No. The only thing the Leet case does is
10 says that a sheriff may not arrest for a violation of
11 the Motor Vehicle Code.

12 Q. That's what I thought. Okay.

13 A. We have all the other powers.

14 Q. And only because driving under the
15 influence is under Title 75 do we get into that
16 dilemma?

17 A. Yes.

18 Q. Okay. Now, I just want to make sure. I
19 mean, that's the reason I asked the question. We do
20 have, or I should say you do have the opportunity for
21 misdemeanors committed in your presence, obviously
22 felonies, to in fact carry that out, correct?

23 A. Yes.

24 Q. Okay. Thank you.

25 CHAIRMAN CALTAGIRONE: One of the things

1 that I would like to have one of you, and if one of you
2 are going to testify, we'll hold off on this, on the
3 training. I think it would be interesting to hear some
4 testimony about the type of training that your men go
5 through and how they have to qualify. If one of you
6 are going to touch on that, I'll delay that. Okay.

7 And the other thing that I definitely
8 want to get to, and maybe we'll wait until everybody
9 testifies, what we were previously talking about before
10 we started the full hearing, about the amount of money
11 that is out there that is due to the State and the
12 counties that is not being paid on fines and court
13 costs and other service fees that are owed to the
14 Commonwealth and what attempts we might be able to do
15 to collect that money.

16 But with that, let's move right to
17 Sheriff Harry Geiger, legislative director.

18 MR. GEIGER: Thank you.

19 I'm not going to get involved in the
20 history of the sheriff's office. You've already heard
21 it or some of my colleagues will touch upon it.
22 Therefore, I will make the assumption some
23 Representatives have reservations on the cost of having
24 favorable legislation for the sheriff's office. My
25 office does quite well with finances. I use the

1 sheriff's fee bill, Title 42, Sections 2111.1 to
2 2111.9, to the fullest. I can safely say by availing
3 myself of Title 42 that on some days the deputy
4 salaries were paid at no expense to the county.
5 Funding for deputy sheriffs training is through the \$2
6 fee charge. There are bills in the House to change the
7 sheriff's fee bills, and with these bills there are
8 companion bills to increase the surcharge. Any
9 increase granted would sustain the additional training
10 that may be needed. Then again, if the Municipal
11 Police Training Board would accept deputy sheriffs,
12 that extra fund would not be necessary.

13 The total moneys collected by my office
14 in 1992 was \$314,353.39, of which \$243,823.99 was from
15 the real estate poundage. My budget for 1992 was
16 \$443,046. Moneys collected in 1993 from January to
17 June was \$181,004.52. Of that, \$152,002.23 was from
18 real estate poundage. My budget for '93 is \$456,528.

19 Training and schooling. Deputy sheriffs
20 must attend Deputy Sheriffs Basic Training Act, which
21 is Act 2, which is 160 hours of mandatory training,
22 mandatory continuing education, every other year.
23 Training is given by the Temple University School of
24 Criminal Justice. After attending a multitude of
25 seminars, schools of training and various law

1 enforcement programs, some of these programs are the
2 U.S. Marshal School in Glyngo, Georgia, for court
3 security, interpersonal communication skills, advance
4 drug and law enforcement school with the DEA, hazardous
5 device school for bomb technicians, police firearms
6 school, training and defensive tactics by our own
7 certified instructors.

8 The duties of a deputy. I have a bomb
9 technician who responds to calls when requested by the
10 Pennsylvania State Police and other State, local, and
11 Federal enforcement agencies. I have served with the
12 drug task force, members of the county drug task force,
13 assist in arrest and have done undercover work.

14 Breathalyzer. We perform DUI tests with the
15 Breathalyzer 3000. Video operations. Deputies do
16 electronic monitoring for the probationary department
17 placing on persons electronic devices and monitors.
18 Any deputies are on call 24 hours a day. We execute
19 bench warrants for the Court of Common Pleas, execute
20 warrants for probation, assist on pick-up orders, serve
21 Protection From Abuse orders for the Court of Common
22 Pleas and the Magistrate's office, assist the PSP and
23 municipal police for the transportation of mental
24 health patients.

25 I have the Project D.A.R.E. program. The

1 Sheriff's office instituted a program in January 1990.
2 We have gone from one deputy to three deputies teaching
3 programs in the schools. We are handling 32 of 33
4 school districts in the county. The criteria for being
5 a D.A.R.E. officer is two years of law enforcement
6 field duty. My senior sergeant is a member of the
7 State Training Commission for the Pennsylvania
8 Commission on Crime and Delinquency, and as of this
9 date we have reached in excess of 9,000 students. The
10 Triad/SALT program. Seniors and Law Enforcement
11 Together. This year I have begun to coordinate with
12 the Pennsylvania State Police and three municipal
13 police departments in the county to implement the
14 program. This program deals with assisting senior
15 citizens.

16 We're an arm of the court. We provide
17 court security for judges, defendants, juries and
18 witnesses. Service of original process in civil action
19 to include process in other than civil actions.
20 Complaints, writs of seizures, impoundments,
21 proceedings in quasi, writ of attachment, enforcement
22 of judges, written excuses, evictions, order of
23 possessions, service of subpoenas, court orders from
24 Pike County Court of Common Pleas, which are attached.
25 Sheriff of Pike County is directed to make service of

1 all process emanation out of the magisterial districts.
2 Court orders from Pike County Court of Common Pleas,
3 "Sheriff of Pike County is directed to do all juvenile
4 transports."

5 Crimes Sections 4110, defrauding secured
6 creditors. Sheriffs comes under these circumstances
7 frequently.

8 Prisoner transports. In June of 1989,
9 the Pike County jail was closed because of inadequate
10 physical plant. The road mileage incurred just for
11 prison transport is in excess of 430,000 miles in 1989.
12 In 1992, the mileage was 160,000. In 1993, ending June
13 30, we have traveled 55,982 miles just in prisoner
14 transport. We have housed inmates as far west as
15 Cambria County, and southeast as Chester County.

16 Deputies in Pike County are trained in
17 the use of force, search and seizure, and criminal
18 procedures. My deputies have a noteworthy reputation
19 to the extent that our assistance is requested by the
20 Pennsylvania State Police and municipal police
21 departments. Some years ago the local police
22 department attempted to receive an NCIC computer for
23 their use. These departments do not meet the
24 Pennsylvania State Police criteria and were denied. I
25 interceded and my office was able to obtain the NCIC

1 machine signed over to me and is now situated in the
2 Pike County communications center. This indicates that
3 someone out there believes that somewhere within law
4 enforcement structure sheriffs do have police powers.
5 I am attaching a brief case heard in the Superior
6 Court, Commonwealth vs. Lyons. This case reinforces
7 that sheriffs do have arrest powers. And another case,
8 Commonwealth vs. Delatore, on a motion to dismiss,
9 which was denied.

10 In closing, I have six deputies that are
11 Act 120 certified. All are former police officers.
12 The municipal police training board will not allow them
13 to participate in a continuing police training program
14 because they are no longer employed by a police
15 department. The district attorney has deputized three
16 as county detectives so that they may continue with
17 their education.

18 I ask you to please take the sheriffs out
19 of limbo. We do not want to take away anyone's
20 livelihood. We want to continue augmenting and
21 assisting other law enforcement agencies. We would
22 like to accomplish this without feeling that we are in
23 left field standing there naked.

24 Thank you.

25 CHAIRMAN CALTAGIRONE: Questions?

1 (No response.)

2 CHAIRMAN CALTAGIRONE: Can we next move
3 to Solicitor Hank Johnson.

4 MR. JOHNSON: I don't really have a
5 prepared statement.

6 CHAIRMAN CALTAGIRONE: Okay. You want to
7 get into the freefall of things after the testimony.
8 Very good. Okay.

9 And of course, last, but not least,
10 Sheriff Gene Coon.

11 MR. COON: Good morning, all. It's great
12 to be back in Harrisburg again.

13 I'm not going to bore you. I submitted
14 in writing our position, and one thing I would like to
15 comment on though, Hank, is that it is not my
16 understanding that the Leet decision prohibits the
17 enforcing of the Vehicle Code but only traffic stops.

18 MR. JOHNSON: You may be correct.

19 MR. COON: That's my understanding, and
20 I'm amicus curiae on the case that's now waiting for
21 the Supreme Court to decide it. We hope it goes the
22 way we think it should go. But we've tried legislation
23 but the F.O.P. bombs us out all the time. We have
24 tried, Senator Scanlon introduced a bill, it got shot
25 down in committee. Dave Mayernik has tried different

1 times to introduce legislation to clarify the sheriff's
2 standing legally, and it's always bombed out by the
3 Fraternal Order of Police, of which I've been a member
4 for 40 years.

5 I think I'll just go with questions. I
6 think, as I said, what I have prepared here pretty well
7 covers our position.

8 CHAIRMAN CALTAGIRONE: Okay. Maybe we
9 can get right into, and Sheriff Smith, did you have any
10 comments that you would like to make? We don't want to
11 overlook anybody that came here today.

12 MR. SMITH: Well, thank you. I am Vern
13 Smith, I'm sheriff of a sixth class county in western
14 Pennsylvania, and I'm here to fill in for someone I
15 guess that didn't show. And it's my privilege, of
16 course, to be here and address you this morning. I'm
17 finishing up my second term as sheriff and I'm seeking
18 re-election on a third term. But before I became
19 sheriff I had another life, as they say. I spent 30
20 years with the State Police, rose to the rank of
21 sergeant, and was stationed mostly in the western
22 portion of the State, but I did have supervisory duties
23 and involved criminal law and traffic duties.

24 I brought this knowledge, of course, to
25 the office of sheriff when I came in. We have a small

1 detachment and we try to do everything that involves
2 the office of sheriff. I have three full-time deputies
3 and of course they have all been trained with the
4 Deputy Training Act, and they also have the Act 120, as
5 of course I do. And we were fortunate enough that we
6 were able to take the update training courses in our
7 local college so we do continue with that. And I think
8 that's important. I had always thought that training
9 and education was important. In order to do your job,
10 you must be knowledgeable to be able to do that. Of
11 course, the court feels that way also.

12 As far as the stereotype, I guess my main
13 point is we have a stereotype sometimes of where some
14 people think of the sheriff and visualize him as being
15 a political hack, so to speak, protege who sits behind
16 a desk with his feet on his desk smoking a stogie with
17 a whiskey bottle in his desk. I think that is gone
18 across the State. I know from my associates here that
19 we're endeavoring very hard to upgrade the office of
20 sheriff and that most sheriffs that I'm aware of do
21 have a background in law enforcement and they're very
22 spirited in the fact that they make their deputies go
23 to school too, and it is important.

24 So as far as the office of sheriff in our
25 county, we're quite involved. I feel that as the

1 elected law enforcement officer, and I have many people
2 who are very strong on this and they say, when they ask
3 me something about this traffic or Vehicle Code, when I
4 say I cannot do something about that, they don't
5 understand. They have a perception that the sheriff
6 can do anything. And unfortunately, we're in a kind of
7 a limbo situation on that. But I'm a member of the
8 Attorney General's task force. As a matter of fact,
9 except for one chief of police in a little community
10 who is also a member of the sheriff, we are the task
11 force in our county and we're quite successful in that.
12 Thank goodness for the Attorney General and for the
13 money that comes for that.

14 We're involved with the court. And in
15 talking about the collecting of fines and costs and
16 stuff, I think it's a very important thing. It always
17 comes up at election time, if you notice. And the
18 money on the books, the prothonotary always comes up
19 with how much is out there and not able to be collected
20 and a lot of talk on doing that. But I haven't seen
21 too much action. I am certainly willing to get
22 involved in that. And perhaps I feel maybe prejudiced
23 that I feel it's part of my duty, that I should be
24 involved in that as an officer. And I think reason
25 would say that you could not be paid for yourself for

1 doing this. I mean, the county probably could collect
2 some of these funds. Like you mentioned, Mr. Chairman,
3 there are people out there unless you bug them, so to
4 speak, or contact them, they forget it, you know,
5 unless somebody, and I think that's probably natural on
6 many people not to pay a bill unless somebody sends
7 them a notice that they owe it. And in our, I don't
8 want to give away trade secrets, but in the service of
9 executions and documents and stuff, it's not uncommon
10 to go to the door and the wife comes to the door and
11 you ask for the husband and she says he's not there,
12 when no doubt he is, but by using different methods you
13 come back at a different time, you come back at 5:00
14 o'clock in the morning when you know the man is there.
15 You cannot just let it fly by. The court has decreed
16 that they owe us money. I think certainly you can
17 collect under some of them. But I think that the
18 revenue is there existing, waiting to be tapped.

19 CHAIRMAN CALTAGIRONE: One of the things
20 that, well, I'd like to address the Lect case because
21 we did have legislation in the last couple of sessions
22 and since that case is pending before the Supreme
23 Court, I made the decision that rather than move on
24 with legislation, we wanted to wait and see exactly
25 what the court was going to decide one way or the

1 other, and I had talked to Representative Mayernik a
2 number of times on that. I know there was a concern
3 about, you know, whether we should or shouldn't address
4 that issue and how we should do it. Legislation had
5 been proposed. And I think after discussing it with
6 some of the members of the committee and legal counsel,
7 that the best decision was to wait and see exactly how
8 the Supreme Court was going to rule in that case before
9 we do anything, because it may not even be necessary to
10 do anything with the legislation.

11 Getting back to the collection of costs
12 and other obligations that are owed by citizens of the
13 Commonwealth for litigation that they've been involved
14 with, and I want to pass this around with the president
15 judges and the trial court judges when we meet with
16 them, and I wanted to get your reaction to this because
17 I've been very heavily involved in court
18 computerization and I sit on that board, I've been a
19 strong advocate of the computerization, and of course
20 as you know, the district justices throughout this
21 Commonwealth are now totally computerized. As I was
22 sharing with the sheriffs and I will share with the
23 members, I spent a couple of hours last year with one
24 of the trainers who had indicated how easy it is to
25 keypunch all the information up and spew it out at the

1 end of the week, especially to get a handle on the
2 finances, how much was collected, how much was still
3 owed, and these are obligations in dollars and cents
4 that are owed to the Commonwealth, whether it's the
5 State or county or other programs, because that money
6 is pretty well tied up. And as we all know, and I
7 would like for you to share with the members of the
8 committee the point that I'm getting at and what we
9 might be able to do collectively, and I say "we," some
10 urging from members of the House Judiciary Committee to
11 the judges and sheriffs in getting some type of
12 communication out to those litigants that have not
13 completed their obligation, financial obligation, and
14 when it comes on a piece of stationery from the
15 sheriff, I think they take it a little bit more
16 seriously than whether it would come from let's say the
17 prothonotary or the clerk of court. We know that in
18 the city of Philadelphia there's several hundred
19 millions of dollars, and in most of the smaller
20 counties it can range anywhere from \$10 million to \$20
21 million to \$50 million, and we're talking about a
22 tremendous amount of money.

23 Now, I also understand on the other side
24 of that coin, we certainly don't want to go out and
25 start arresting people and putting them in jail.

1 That's not the point. The point is that there's still
2 an obligation that's owed there. Now, just for
3 conversation and discussion on this issue, there may be
4 some thought given to setting up a timeframe, take a
5 year, 1980, anybody prior to 1980, the books are going
6 to be wiped clean. It makes no sense at all if you
7 can't get blood out of a stone, then why even fool with
8 it and why continue keeping all that paperwork hanging
9 around when it's just nonsense. And I'm just throwing
10 this out for conversation. But from whatever point
11 forward, and once the Common Pleas courts are totally
12 computerized, we will have a pretty good handle on who
13 owes what. That's part of running the system, and
14 those are actual dollars that are out there. Even if
15 they're going to make a payment plan or get into some
16 type of community service or whatever. If we have to
17 change some of the laws to accommodate some of that, I
18 would like to hear some of the reaction from both the
19 sheriffs and the president judges and the Common Pleas
20 judges when we meet with them to find out what can we
21 do collectively to try to get some of that money
22 generated, and I think you had mentioned, Sheriff
23 Smith, and it's true, when you get a notice in the mail
24 of a late payment or payment overdue, I think the
25 tendency of most people is they better take care of

1 business and pay that and get it behind them.

2 But I'd like to open it up to the members
3 of the committee and also the sheriffs and legal
4 counsel to comment on it. Sheriff Coon?

5 MR. COON: As I explained earlier, prior
6 to this session here, we do not handle the question of
7 court costs. That's the clerk of courts. And a very
8 inadequate job is being done, I can assure you. I
9 don't know how many millions we would run into, but it
10 would be substantial. Many people, in fact I think the
11 majority just choose to ignore it. About the only ones
12 that really pay up are the DUIs because they're hanging
13 on a string for ARD. So they usually pay up. But
14 there's a whole host of various crimes that the judge
15 has fined or set costs on that were never paid. We
16 handle nonsupport warrants and we do not arrest. First
17 of all, we don't have the jail room. We're under
18 Federal order that costs Allegheny County \$5,000 every
19 time we have to push a prisoner out the door. So with
20 nonsupports, a deputy will go to the residence,
21 preferably the residence. We don't like to tap anyone
22 at work, and leave a notice, hand a person a notice to
23 report to the sheriff's office the next morning. And
24 we've found a good 90 percent effective that way. The
25 only ones that we'll arrest is when the judge tells us

1 directly, I want them in here, and so then we'll go
2 bring them in, and it's up to the judge to decide
3 whether they are to be incarcerated or whether we're
4 going to set up a schedule of payments.

5 I think the problem with the court costs
6 and fines would be if the person has completed their
7 probation, what you have hanging, see, with a
8 nonsupport we have the warrant. It's an active
9 warrant. You would have nothing to really, if they
10 said drop dead, what do we say? We have no recourse.
11 We have no warrant. We have no reason to take them
12 into custody, if they haven't fulfilled the terms of
13 their probation, but that would be a matter for the
14 probation department and the courts.

15 But I agree with you, sending out a
16 notice on sheriff's stationery would be far more
17 effective than something coming from the clerk of
18 courts. We can tell from, as I explained on the
19 nonsupports, plus the jurors, the thousands of jurors
20 that we summons, the response of jurors is probably
21 about 99 percent on the jury summons. The list is made
22 up and prepared by the jury commission. The letter,
23 the notice to report goes out on sheriff's stationery,
24 and we found it very effective.

25 CHAIRMAN CALTAGIRONE: Do you feel that

1 there would be some benefit to attempting to get, let's
2 say, a mailing from the sheriffs with the approval,
3 let's say, of the president judge of each of the
4 counties to attempt to do something like that? It
5 could be limited. It doesn't have to be every single
6 person and you could set up some kind of a system and
7 possibly even a payment plan through the county
8 controller.

9 MR. COON: Well, the problem there is
10 that the clerk of court has the records and the clerk
11 of court would have to make the list up.

12 CHAIRMAN CALTAGIRONE: Uh-huh.

13 MR. COON: And the payment, the scheduled
14 payments could be set with the clerk of courts, who is
15 designated in our county to collect fines and costs.

16 CHAIRMAN CALTAGIRONE: Do you think it's
17 worth the effort to try?

18 MR. COON: I think it's worth the effort
19 with millions of dollars that are sitting there. I
20 mean, you've got to get some response out of it. I
21 mean, it just follows that if they get a letter from
22 the sheriff, they're going to figure they're looking at
23 jail or something. It would be far more effective than
24 a letter from the prothonotary or the clerk of courts,
25 I think. But those lists and materials would have to

1 be compiled in our county by the clerk of courts. But
2 we have no access to them.

3 CHAIRMAN CALTAGIRONE: Sheriff?

4 MR. GEIGER: Most of the lists in Pike
5 County are developed not only through the clerk of
6 courts but they are assigned to the probation
7 department for collection fees and costs. Like when we
8 had an active jail and we had a work release program,
9 the checks were sent to my office, the payroll checks
10 for the individual. I would have the prisoner sign his
11 check, take out what is due the county for room and
12 board, and turn the balance over to probation for
13 distribution of fines and costs. People that are on
14 the street, every once in a while probation will give
15 us civil warrants where they have failed to pay fines
16 and costs to go get them as a violation of probation or
17 parole. But other than that, there's nothing in force
18 within our county, and I don't know the outstanding
19 debt in Pike County as far as fines and costs are
20 because we're not privy to that information, but
21 through the years I've had correspondence with
22 Representative Birmelin on community service laws,
23 possibly legislation being devised to limit the
24 liability or totally eliminate the liability to a
25 county for a community service program in the event

1 that a person that the county put out on community
2 service was hurt, that they could not be liable for
3 suit. So as far as I'm concerned, we've thrown the
4 ball back to the legislature to come up with some
5 relief for the counties so that they don't have to wind
6 up paying humongous insurance fees.

7 CHAIRMAN CALTAGIRONE: Well, when you
8 have, and I'm just curious about that, when you have
9 current community service programs now with the blanket
10 policy that the county carries--

11 MR. GEIGER: One suit can wipe it out.
12 You got \$1 million coverage, that's it. One lawsuit
13 could wipe you out.

14 CHAIRMAN CALTAGIRONE: Well, do you have
15 any current community service programs--

16 MR. GEIGER: No, sir.

17 CHAIRMAN CALTAGIRONE: None at all?
18 None?

19 MR. GEIGER: Our judge will not touch it.

20 CHAIRMAN CALTAGIRONE: Do the other
21 sheriffs have community service of any kind?

22 MR. SEIBRING: We will be discussing one
23 tomorrow at our prison board meeting to work a
24 community service project out of the prison.

25 Getting back to what Sheriff Coon

1 started, that probationary period after the guy wants
2 to leave jail has to be continued on until all of the
3 fines and costs are paid, and it would be my proposal
4 that if a guy owed fines and costs and got a letter
5 from the sheriff that would tell them to report
6 Saturday morning at 6 o'clock to the county jail and he
7 would be assigned to that work detail until the fines
8 and costs were worked off at a rate of \$4 an hour, or
9 whatever. But what I see happening is that the
10 probation is not extended far enough, and once that guy
11 gets out of jail he says, the hell with you all, and we
12 don't hear from him anymore.

13 MR. GEIGER: Until he's arrested the next
14 time.

15 MR. SEIBRING: Until he's arrested the
16 next time. But I've been sheriff for 26 years, and 25
17 years ago when the judge issued a sentencing order,
18 that order read that the defendant shall stay committed
19 to the jail until his sentence is complied with, and
20 the costs were part of the sentence. So he might have
21 done his 30 days, didn't have his costs paid, he didn't
22 go. And surprising enough, they would come up with the
23 money on that 30th day to get out of jail. It's the
24 same way in domestic relations court today. We're a
25 rural county, we were a rural county, but you know,

1 when the judge says, Sheriff, take the guy to jail, see
2 how many friends he has, sure enough, within about an
3 hour he's got friends enough to pay his fines and
4 costs.

5 CHAIRMAN CALTAGIRONE: Members?

6 (No response.)

7 CHAIRMAN CALTAGIRONE: Legal counsel, did
8 you want to make any comments on some of the areas that
9 we've touched on?

10 MR. JOHNSON: No, sir.

11 CHAIRMAN CALTAGIRONE: Let me ask you,
12 when we do get the president judges down here, and we
13 will be having a meeting with them and the Common Pleas
14 judges, would any of you or any of the representatives
15 from the sheriffs organization like to be present?
16 Because I'd like to establish that dialogue with them,
17 because of course tying up what you would be able to do
18 with what they can do, we may be able to develop some
19 type of a plan. I am convinced and committed to
20 devising some type of a system wherein we can start to
21 collect that money. I had talked privately with people
22 from various counties around the State and it is a
23 major problem. And we've got to do something one way
24 or the other to try to either collect that money or
25 wipe the slate clean and start fresh, but especially

1 when computerization will totally operate the Common
2 Pleas courts there will be a much better handle on that
3 situation. Many times, and I've spoken to judges
4 privately, once the sentence is completed and the case
5 is disposed of, you know, they don't really want to
6 bother with, they don't feel they're collection
7 agencies. But as you had said, that was part of a
8 responsibility and an obligation of that person that
9 was convicted of whatever offense it might have been,
10 and I had asked several years back different areas of
11 State government and county governments to try and get
12 a handle on how much money we're talking about, and as
13 I recall, it was extremely considerable.

14 But, you know, we don't live in a false
15 paradise and I know we just can't go out there and lock
16 everybody up. I think just the threat of that
17 possibility with a letter coming from the sheriff has a
18 lot more oomph to it than -- and I'm not putting down
19 the clerk of courts, but when it comes from the
20 sheriff, it's very official, and especially if we can
21 coordinate that with some of the president judges that,
22 look, this money is owed, it's a commitment, an
23 obligation, part of the sentence and/or probation, and
24 it should be forthcoming, or at least a payment plan,
25 some type of attempt, and I would like to see whatever

1 suggestions you may have.

2 On the training, by the way, have you
3 kept abreast of all the different techniques and
4 programs of training that are available to your men and
5 do they get opportunities to get into the various
6 training programs? Because I know the technology
7 continues to change dramatically. Are there problems
8 with any of the county sheriffs in any areas of the
9 State where the training programs are not accessible to
10 them?

11 MR. COON: I'm a member of the Deputy
12 Sheriffs Training Commission, and there's 20 hours per
13 year mandated in-service training, and there are
14 electables in various areas of the law pertaining to
15 the office of sheriff. But that's mandatory, the 20
16 hours, which is administered by Temple University in
17 various areas of the State. For the main, basic
18 training, they go to Dickinson Law School for that. My
19 deputies go 524, 526 hours at the county police
20 academy, then an additional 40 hours of civil at
21 Dickinson. The first hours are waived because of our
22 police training academy, which is far more in-depth
23 than what we're able to give to the deputy recruits
24 that come in. You can't cover in 160 hours when I
25 became a policeman many years ago, 40 years ago, as a

1 matter of fact, the city of Pittsburg required 8 weeks
2 of training before you could ever go out on that street
3 with a badge or a gun. Now, that was 320 hours 40
4 years ago. So you can see the need for more in-depth
5 training for deputies, but it goes back to finances all
6 the time. Can the counties afford it? I mean, it's
7 not like Act 120. There's no reimbursement -- oh, yes,
8 there is reimbursement for the county.

9 MR. SEIBRING: Yeah, they have
10 reimbursement. Fifty percent.

11 MR. COON: Fifty percent. I think Act
12 120 is, what, 100 percent?

13 MR. SEIBRING: I think so.

14 MR. COON: But that's funded by the
15 State, whereas the training commission's funds are
16 raised by us and levied on each paper that is filed
17 with our office.

18 MR. SEIBRING: One of our problems is
19 that with this Municipal Police Officer's Training Act,
20 Act 120, is that the Municipal Police Officer's
21 Training Act will not certify deputy sheriffs and give
22 us a number.

23 MR. GEIGER: Not even the updates.

24 MR. SEIBRING: Not even on the updates.
25 Even if we had a man on duty now that has had Act 120,

1 we do not have access to updates.

2 MR. GEIGER: Because he no longer works
3 for a municipal police authority.

4 CHAIRMAN CALTAGIRONE: What do you need
5 to have done in order to have that update?

6 MR. GEIGER: You must still be employed
7 by a municipal police agency in order to keep your 120
8 MPT.

9 MR. JOHNSON: What you need is an
10 amendment to Act 120 to have sheriffs and sheriff's
11 deputies to be deemed to be police officers so that
12 they can get the training and can get the
13 certification. There's at least 340 deputies who have
14 taken Act 120 training that cannot get certified. They
15 let them take it, but they won't certify them. And now
16 they won't let them take it anymore, as I understand
17 it.

18 MR. COON: What they won't permit is the
19 in-service, which is required to hold your number, MPT
20 number. They won't let the deputies into those
21 classes, even though they were former police officers
22 with some municipality. So therefore, they lose their
23 number because they can't update.

24 CHAIRMAN CALTAGIRONE: Is this a classic
25 battle with the conflict that you have with the F.O.P.

1 and the sheriffs, deputy sheriffs?

2 MR. COON: Yes. It's just a continuation
3 of it.

4 CHAIRMAN CALTAGIRONE: And most sheriffs
5 and deputy sheriffs are also members of the F.O.P.,
6 right?

7 MR. COON: Quite a few of us.

8 MR. SEIBRING: In Monroe County, there's
9 more deputy sheriffs that are members of the F.O.P.
10 than there are polices officers. And let me just say
11 that the battle is not with the F.O.P. member on the
12 street, because he's calling us every day for a backup
13 or, Sheriff, where's this person located, when is he
14 home, when can I find him? Absolutely. And I don't
15 want you to think that I'm trying to discredit the
16 State Police, because I'm not. But in Monroe County,
17 right now we have probably 40 rookie State Troopers and
18 they have 633 square miles that they have to try to
19 find someone in. These poor guys might be from
20 Philadelphia, they might be from Pittsburgh, they might
21 -- I mean, we see these guys sitting along the road
22 with a road map trying to find an accident that they're
23 responding to with injuries. And we have to stop and
24 say, Trooper, what are you looking for? Show him where
25 it is, tell him how to get there. I mean, he can't

1 help it that he was transferred to the Poconos from
2 Pittsburgh. I mean, it's just one of those things.

3 And we're there to help each other out
4 and we do it on a day-to-day basis, and it's only the
5 officers in the State Police or in the State F.O.P.
6 organization. If you bring the rank-and-file officer
7 in here, he'll tell you the sheriff has never taken one
8 of my men away from me. It's the other way around.
9 Half of the police officers in Monroe County are
10 ex-deputy sheriffs, because we're training them and
11 we're not paying them as much as the police department
12 is paying them. So it's just a reverse of what Francis
13 Bucelli is telling you. I mean, that's the truth.

14 MR. COON: To back that up Lodge 1, of
15 which I'm a member of, Pittsburgh, has never taken a
16 position antisheriff or any legislation. It's coming
17 strictly from Mr. Bucelli at the State level, and Leo
18 Marchetti, who is a paid lobbyist for them. Marchetti
19 will tell you, well, that's fine. Gene Coon's Sheriff,
20 we know we're safe with him, but how about the next
21 person? That's the response that you get.

22 MR. SEIBRING: Mr. Chairman, we don't
23 want to be policemen. We want to be sheriffs and
24 deputy sheriffs. I don't think there's a sheriff in
25 the State of Pennsylvania that wants to look as though

1 he's an organized police department. That's not what
2 we want. We want to be sheriffs. And we want to be
3 the chief law enforcement officer of the county. But
4 we want to work and every one of us feel that with the
5 Constitution when it was put in place they felt that
6 the chief law enforcement officer should be responsible
7 to the people, not to a town council, not to a borough
8 council, not to a city department head. I mean, the
9 average sheriff in the nation stays in office for 12
10 years. The average chief of police in the nation stays
11 in office for 36 months. So, you know, who has more
12 experience, the people that -- we're out there every
13 four years saying, stand up and be counted. Re-elect
14 us as sheriff. And, you know, that's not true with the
15 police departments. There's many, many good, we have
16 lots of good police departments in our county and very,
17 very capable men, but we don't have enough of them.
18 And here we are. I have 16 men on the street every
19 day, and we can serve a purpose in Pennsylvania without
20 spending a lot more money. And we do it every day now,
21 and there's just, like I say, the Leet decision is the
22 only thing right now that's holding us back, and it's
23 such a trivial thing.

24 MR. GEIGER: But getting back to your
25 question, is there more training needed? Yes. And I

1 don't think there's a sheriff in the State that will
2 tell you that we don't need more training or more
3 training opportunities. Yes, we do.

4 MR. SEIBRING: We're recognized by the
5 FBI, we can go to their academy; we're recognized by
6 the U.S. Marshals, they'll take us in their academy.
7 We're recognized by the Attorney General, who makes us
8 members of his drug task force. We're there doing the
9 job every day.

10 CHAIRMAN CALTAGIRONE: Okay. Any
11 additional questions from members of the committee?

12 (No response.)

13 CHAIRMAN CALTAGIRONE: Thank you very
14 much for being here and sharing your thoughts with us
15 today, and I would like to extend to you an opportunity
16 to be with us when we meet with the Common Pleas judges
17 and the president judges so that we can share with them
18 the concerns that we've expressed here today about some
19 of these issues. Thank you.

20 We're adjourned.

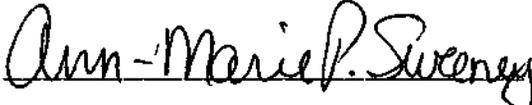
21 (Whereupon, the proceedings were
22 concluded at 11:06 a.m.)

23

24

25

1 I hereby certify that the proceedings
2 and evidence are contained fully and accurately in the
3 notes taken by me during the hearing of the within
4 cause, and that this is a true and correct transcript
5 of the same.

6
7 

8 ANN-MARIE P. SWEENEY
9
10

11 THE FOREGOING CERTIFICATION DOES NOT APPLY TO
12 ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER
13 THE DIRECT CONTROL AND/OR SUPERVISION OF THE CERTIFYING
14 REPORTER.
15
16

17 Ann-Marie P. Sweeney
18 3606 Horsham Drive
19 Mechanicsburg, PA 17055
20 717-732-5316
21
22
23
24
25

FORREST B. SEBRING

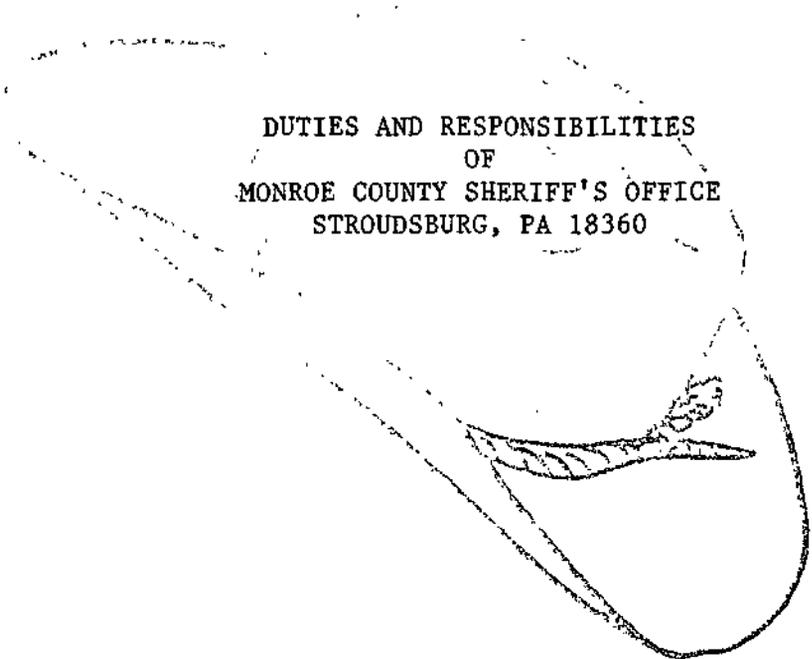
Sheriff



TODD A. MARTIN
CHIEF
DEPUTY SHERIFF

OFFICE OF THE SHERIFF
COUNTY OF MONROE
COURTHOUSE, STROUDSBURG, PA 18360
717-420-3670 FAX: 717-420-3683

DUTIES AND RESPONSIBILITIES
OF
MONROE COUNTY SHERIFF'S OFFICE
STROUDSBURG, PA 18360



THE SHERIFF AS PEACE OFFICER

Criminal Procedure

As a peace officer, the Sheriff is responsible for maintaining order throughout the county and for preventing and quelling riots and uprisings. These duties were once of major importance. Today he shares this responsibility with state and local police officers. He makes arrests, both with and without warrant, may execute search warrants, may seize illegal property or property used in violation of the law, and may remove certain nuisances on order of the court. The Sheriff has certain responsibilities in extradition procedure, he issues firearms licenses, and has special law enforcement duties under certain general codes of law, such as the Dog Law, the Fish Law, and the Military Code.

1. DUTY TO KEEP THE PEACE

1. General powers as peace officer. From earliest days, the Sheriff has been a peace officer. It is his responsibility to keep the peace, to apprehend those who fail to keep the peace, and to protect law-abiding citizens. Originally the Sheriff was the major and sometimes the sole law enforcement officer in the county. From time to time, however, other offices have been established with certain law enforcement duties. These include policemen in the cities, boroughs and townships and the State Police who also act within the county where the Sheriff has jurisdiction. These officers, under ordinary circumstances, relieve the Sheriff of most if not all of the responsibility for keeping the peace and maintaining order. The district attorney of the county, with the detectives who work under him, as well as the local and State Police, undertake a great deal of criminal investigation. However, the Sheriff is still the chief law enforcement officer of the county and has full powers as criminal investigating official. The Sheriff still possesses a number of general peace powers and often has need to exercise them. Some of those powers are under the old Common Law, and it would be difficult to find precise statutory authority for the Sheriff to use them. This includes the general power to keep the peace and to prevent riot and insurrection.

COURTHOUSE SECURITY

In Monroe County, the Sheriff's Office is responsible for the security of the courthouse and the safety of the general public and county employees. We have many volatile situations occurring daily, and deputies must be constantly alert for persons intending wrong doing. We have witnessed a tremendous increase in the threats and attempts to demonstrate vengeance towards the courts, mostly in the area of Family Courts through acts of domestic violence. Deputies walk a fine line in performing their duties between preventing a tragedy and offending members of the community by suspicious scrutiny.

Deputies are normally all that stands between the safety of other employees and the general public utilizing the courthouse and a person who may, for any reason, want to cause injury or damage to government personnel or structure. As we have all read and seen on the news, these problems appear to be a growing phenomenon nationwide for a disgruntled person to become instantly violent by assaulting or shooting government officials and/or their staff.

TRANSPORTING PRISONERS

This is the most time consuming duty. Deputies are assigned this assignment and are responsible for assuring the prisoners prompt arrival at any number of different types of proceedings, such as: court hearings, criminal and civil arrests, extraditions from state to state, funerals, doctors appointments, mental hospitals and to and from other county and state correctional facilities. Deputies must constantly remain alert for possible escape attempts; their own safety; and the inmates safety from himself or others, such as a defendant who is charged with child molestation, and the victims family may want to retaliate.

Deputies may also be transporting a wide variety of prisoners without prior knowledge of their state of mind. Prisoners vary from young to old with any number of health problems such as heart problems, Hepatitis, or even HIV/AIDS. With current disclosure regulations, deputies may be completely unaware of an AIDS or Hepatitis patient who at anytime could require first aid or even knowingly attempt to transmit the disease to a deputy or deputies.

Deputies must make potentially critical decisions on their own; such as during an extended transport should the deputies stop to allow a prisoner to use a restroom. Does the prisoner really need to use the facilities or is he or she feigning a sickness in order to attempt an escape?

It is a very difficult duty to ensure an inmate's family or friends don't have any physical contact prior to transports, during court sessions and prior to their return to a facility, because of the possible passing of contraband, although the family or friend may be well-intentioned. Deputies are required to transport juveniles and mentally ill prisoners and are routinely subjected to transports involving prisoners who have vomitted or even defecated in close confines of their vehicles.

Deputies have to maintain constant physical control of all prisoners in their custody whether they are hand cuffed or not via the discretion of the court. Deputies must make critical decisions regarding how much force to use to maintain control, given the constant thought of liability concerns. It is a given fact

that a deputy is liable if any harm comes to, or is caused by, a prisoner in the deputy's control. This office routinely brings fugitives from state to state, and deputies must be able to deal with strange places and handle road-way detours, route changes and dangerous traffic, while being security conscious. They must be capable of treating prisoners humanely, regardless of what type of crime they have committed. Routinely, deputies must make long trips with prisoners involving overnight stays away from their families and friends.

Prisoners have to be transported to funerals and the deputies have the responsibility of being torn between security concerns and the expressed feelings of family members present. When deputies show up at a funeral with a handcuffed and leg shackled "family member", quite often the family's displeasure is usually directed at the deputies.

ASSISTING OTHER AGENCIES

Deputies may be called upon for assistance at any moment of the day or night by another agency. It could be a police department, (state/local) needing assistance with a disorderly defendant, assisting county Fire Departments, Ambulance Corps, or Search and Rescue or to assist Children and Youth with placement of a child. Deputies may have to make a last minute change in their daily plans to assist any agency in need. Deputies are often called by the Probation Office at late night hours to take juvenile offenders to detention centers throughout the state, since Monroe County does not have a center. These trips can range from (2) hours to (7) hours on the road depending the availability of space in the surrounding detention centers. Also, deputies are subject to "call-out" for assistance on any emergency deemed necessary by the Sheriff, Chief Deputy, and Office of Emergency Service Coordinator. (OES)

Deputies may often be the first person to arrive at an accident or crime scene, because the job requires them to cover many square miles while on duty. Being the first on an accident scene or crime scene, a deputy must be responsible for making the right decisions until the proper police agency, fire department, or rescue units arrive. This could include administering first aid, securing a scene, or chasing down a fleeing suspect, etc. A deputy could encounter a wide variety of these situations which emphasize the need for staff training and development.

* (Average 22 assists per month)

MAINTAINING ORDER IN STRIKES, RIOTS, AND UNLAWFUL DEMONSTRATIONS

Sheriff's Offices in Pennsylvania have the responsibility to maintain order at labor strikes, riots, and unlawful demonstrations. This is not encountered often in Monroe County, which at times can be a problem in itself because of the lack of true experience gained in handling these situations routinely. Deputies, though trained at the academy, could easily find themselves in a position of being a peacemaker between emotionally charged working class people, and making decisions on individual confrontations at or around the scene that could easily lead to major disturbances.

Once an injunction has been filed with the courts and a Judge has signed a court order directing the Sheriff to act accordingly, the Sheriff may be responsible to provide (24) twenty-four hour coverage of the scene for a time period determined by the court. Many times, the coverage of these types of situations result in double shifts of (16) hours on and (8) hours off to cover not only this type of situation, but also the routine duties and responsibilities of this office.

* (Average 2 per year)

WARRANT SERVICE

Sheriff's Deputies must serve all warrants as ordered by the Courts by obtaining physical custody of the defendant who has already willfully failed to appear and is rarely cooperative. A warrant is a court order that commands the Sheriff or his deputies to arrest the defendant and bring him/her before the court forthwith.

In executing a warrant, deputies must develop good communication skills to locate a defendant who obviously does not want to be apprehended. Usually, the only valid information this office is provided with is the name of the defendant and their offense for which they were charged with. Deputies must have and master investigative skills in order to track down the defendant through intervenes with family members, former neighbors, former employers, and suspected associates of the defendant, who are normally very uncooperative. Deputies must develop insight and persuasiveness when dealing with this type of individual and his mannerism must be appropriate for each situation.

Deputies must also know the limitations of the law, given their eagerness to apprehend the defendant, knowing that an illegal or improper arrest could result in the defendant's later release and possibly a civil lawsuit towards the County and this office. Deputies are normally dealing with the general public on warrant details and must walk a fine line between being a courteous public servant and a successful warrant server.

* (Currently have 104 outstanding warrants; Average 11 new warrants a month)

SERVING CUSTODY ORDERS

A custody order involves taking physical custody of minor children from one family member and placing them with another family member or Children & Youth Services. Custody orders are volatile and emotional situations that can easily turn into a violent confrontation. In this type of situation, one party has already refused to turn over custody for one reason or another, therefore a court order is issued by a Judge and must be served immediately. Deputies executing a custody order are seen as unwanted intruders into the personal life of the person receiving the order. Commonly, this person will attempt to use the minor children against the deputies. Deputies must be prepared to deal with any situation possible, but still must be understanding and professional to all parties, especially the children.

SERVING OF PROTECTION FROM ABUSE ORDERS

Deputies, upon receiving a Protection From Abuse (PFA) Order, must find the defendant (who may be avoiding service) as soon as possible in order to preserve

the safety and well being of the affiant. The conditions of the order usually consists of the defendant being evicted from his/her home, their firearms being seized, and/or custody of their children being taken away. In order for a PFA to be issued, one party must be in fear because of acts of violence already incurred or threatened. The Judge issuing the order may direct that the Sheriff's Office confiscate all weapons owned by the defendant. These defendants are rarely cooperative and usually the misuse of drugs and/or alcohol are commonly a factor in this type of Domestic Violence. A defendant who has already proven to be physically abusive to another knows it is not good news when deputies arrive at his residence, place of employment or a bar or friends house they may frequent.

We, in this county, have seen a major rash of physical harm and abuse from domestic incidents. Deputies are routinely involved in physical altercations with highly agitated or uncontrollable defendants. Every deputy is very aware that domestic incidents result in the highest number of law enforcement deaths per year, but must show no fear or indecisiveness in order to accomplish this duty.

These orders must be served as soon as possible to avoid further escalation of violence.

DEPUTY SHERIFF'S TRAINING ACADEMY

The State of Pennsylvania mandates that every newly appointed Deputy Sheriff attend and successfully complete the standards set by the Pennsylvania Commission on Crime and Delinquency. Currently the academy is held at the Dickison School of Law in Carlisle, Pennsylvania and requires the deputy to be housed in the college dorm type atmosphere for a (4) four week time period. Training is scheduled throughout the day and into the evening hours daily. The academy covers many subjects required in the field of law enforcement, but because of the limited (4) four week duration, they cannot cover all the possible scenarios a deputy may encounter on the job.

During the academy, a deputy is subjected to a curriculum in Criminal Laws of Pennsylvania, Rules of Civil Procedure, Prisoner Transport, Court Security, First Aid, Self Defense, Use of Force-Lethal & Non-Lethal, the use and retention of Firearms and many other topics.

Once a deputy has successfully completed his/her basic training, they are once again mandated to successfully complete updated training every two years through the Pennsylvania Commission on Crime and Delinquency, Allentown Police Academy and Temple University. Failure to successfully complete such training would result in termination of employment.

ON-CALL STATUS

All Deputies are responsible for being "on-call" for any type of emergency upon the call out of the Sheriff or the Chief Deputy.

A deputy is responsible to be "on-call" on a weekly rotating schedule to routinely transport juvenile offenders throughout the state. The on-call deputy is also responsible for all late night/early morning service of process that is not possible during the day and evening shifts as designed by this office. Deputies must routinely report to the office during non-business hours, to answer other States and jurisdictions who may have one of our "wanted" defendants in custody, as to whether we are willing to extradite or to advise us that we

need to pick up the defendant forthwith from jurisdictions within Pennsylvania. The "on-call" deputy also must respond, with another deputy, to any leads, sightings or arrest of a "wanted" defendant regardless of time of day or the deputies previous personal plans. When a possible location of a subject is learned, deputies must exercise extreme caution being the deputies are normally unfamiliar with the surroundings, while the defendant is very familiar with them.

Deputies are responsible for carrying a personal pager so they can be contacted when needed for any type of assignment, at any time of the day or night.

* (A deputy is subject to "on-call" status once every (7) weeks, the Chief Deputy is subject to "on-call" (24) hrs. a day unless relieved by the Sheriff or designee)

WRITS OF EXECUTION

Personal Property

This type of civil process arrives at the Sheriff's Office in the form of a court order. These court orders originate at both the District Magistrate and the Common Pleas Court levels and direct this office to levy upon and sell any or all personal property belonging to the defendant. The majority of these executions stem from unpaid debts due and owed to the plaintiff. This is yet another duty that may be emotionally charged, as the defendant has already refused to pay the debt. The debt may have resulted in any number of situations, including divorce judgments, landlord/tenant rent disputes, or money owed to a private person or business.

Deputies must levy (list & secure), and sometimes seize, the defendant's property to satisfy the amount of the debt. As one can imagine, levying on an individual's vehicle(s), firearms, televisions, children's furniture, etc., and selling them at a public sale commonly results in dangerous situations. Deputies must have the ability to fulfill their duties while maintaining safety and setting aside their personal feelings. When levying on businesses, deputies are responsible to take into their possession all monies on the premises. This at times can range from a couple of dollars to thousands of dollars for which the deputies become personally responsible for until turned over to the Chief Deputy or Deputy/Office Manager.

* (Average service per month 45--requires minimum of 2 deputies)

CIVIL PROCESS

The Sheriff's Office is relied on every day by (4) four Common Pleas Judges, (8) eight District Magistrates (10 as of 1994) and countless attorneys throughout the United States for the service of civil documents. The service of these documents involves the transferring of such; which would be a court order from the Judges and Magistrates, summonses or subpoenas, or a civil complaint in which a party may be being sued due to their actions. These types of documents are just a few of the types of civil process which are involved with the Civil Justice System. These documents are to be personally delivered to the designated party. This sounds simple, but it's not. Deputies are trained and soon develop certain skills in which help complete this difficult task. Deputies must have and master investigative skills, as Monroe County, is one of the faster growing counties in the state, and it can be extremely difficult to locate a person who the deputies are attempting to serve.

Deputies must have a good knowledge and be familiar with the many county roads and the numerous housing developments in order to make an efficient and timely service. Deputies must be knowledgeable of the Rules of Civil Procedure for the service of each different process, if the service was not proper the courts would consider this ineffective service which could be very costly later in a lawsuit. Deputies must have good social skills as they are constantly dealing with the general public. Keep in mind that the deputies are almost always delivering bad news and they must know how to handle an unruly person. An example of such would be serving an eviction notice and physically removing an entire family from the premises. Deputies must know how to explain, comfort, give direction, and listen to the respondent, in order to make sure the service is executed professionally, effectively, and safely. Deputies must be sure that all their decisions are made correctly, responsibly and professionally, and in accordance to the law, keeping in mind that they are constantly in the public's eye both on-duty and off-duty.

* (Average services per month 223)

MISCELLANEOUS

Deputies are also required to perform computer and typing skills, maintain reports and records as well as maintaining mandated and desired training. They are also required to perform public service duties in hopes of educating the general public on anti-drug education, public safety, as well as promoting the "McGruff Program" which includes finger printing for Child Identification, public awareness of law enforcement and crime prevention.

Deputies work countless hours of public service work in helping children and senior citizens in grasping the knowledge needed to be "street smart". Many deputies volunteer their time to schools, social groups, and professional organizations.

have made clear that "the exclusionary rule will not be extended to areas where its application would not tend to achieve its primary purpose of deterring unlawful police conduct" *Id* 507 Pa at 552, 491 A 2d at 835 (emphasis in original). "It is only where the violation also implicates fundamental, constitutional concerns, is conducted in bad faith or has substantially prejudiced the defendant that exclusion may be an appropriate remedy." *Mason* at 407, 490 A.2d at 426 (emphasis in original). Since it has been concluded that a deputy sheriff is not a police officer regardless of his having erroneously attempted to act as one, none of the conditions specified in *Mason* is present, and no other factor exists which compels suppression of the evidence as a remedy.¹

Finally, the dissent also found that a deputy sheriff is not empowered to arrest for summary offenses. This court has held that the right of a private citizen to arrest does not include summary violations. *See, Commonwealth v. Stahl*, 296 Pa Super. 507, 442 A.2d 1166 (1982). This parallel further extends the notion that evidence obtained as the fruits of the arrest herein not be suppressed.

Accordingly, I would find that the arrest was illegal, but would decline to suppress its fruits.

CIRILLO, President Judge, dissenting.

Because I am firmly convinced that a sheriff and his or her deputies are vested by the Pennsylvania constitution with all

1. The majority states that suppression is the appropriate remedy because otherwise deputy sheriffs would merely be given by indirection carte blanche to "hold[] motorists at gunpoint or otherwise" until a "valid" arrest could be effected. I would suggest that criminal charges of kidnapping, false imprisonment, aggravated assault, and possible criminal conspiracy, or tort actions for false arrest, false imprisonment, assault and battery, etc., which would inevitably follow upon such a scenario would tend to discourage its repetition. The main point of the exclusionary rule is to punish the state, which is otherwise immune from liability for an actionable detention. However, where a person without "a privilege defined by the law of the state" *Commonwealth v. Corley*, 507 Pa at 548, 491 A 2d at 832, engages in behavior such as that described, he is not shielded from the civil or

the powers and duties of a peace officer, including the authority to arrest for a summary traffic violation committed in his or her presence, I would reverse the trial court's order suppressing the evidence obtained from Leet as a result of the roadside stop conducted by Deputy Sheriff Gibbons. This conclusion is based upon a careful study of the history of the powers and duties of the sheriff and his traditional role in the enforcement of our criminal laws.¹

The word sheriff evolved from the Saxon word "scyre" meaning shire or county, and the word "reve" meaning guardian or keeper. *The Compact Edition of the Oxford English Dictionary*, Volume II, 2783-2784 (1971); A E Gwynne, *Practical Treatise on the Law of Sheriff and Coroner, with Forms and References* at 2 (1849) (hereinafter Gwynne, *Sheriff and Coroner*). Instinctively, when we think of a sheriff, we are reminded of Sherwood Forest where the Sheriff of Nottingham was the chief law enforcement officer who possessed far reaching powers. *See* H Pyle, *The Merry Adventures of Robin Hood* (1883) (King Henry of England stated to the Sheriff of Nottingham: "[b]ut look well to it, master Sheriff, for I will have my laws obeyed by all men within my kingdom, and if thou art not able to enforce them, thou art no sheriff for me") The modern sheriff's powers and duties, however, are not as clearly defined.

In Pennsylvania, the office of sheriff is constitutionally created: "[c]ounty officers

criminal repercussions of his acts. *Id.* The majority definitively deprives deputy sheriffs of the privilege to arrest for summaries. They may not contravene that decision with impunity

1. Although it is unclear whether Deputy Sheriff Gibbons actually arrested Leet, intuitively, the power to stop without a warrant is a logical corollary to the power to arrest without a warrant. If an officer has the authority to make a warrantless arrest, it is unreasonable to require that he get a warrant to make the stop that precedes the arrest. Consequently, this analysis focuses on the sheriff's authority to arrest, and the factual issue of whether Deputy Sheriff Gibbons made an actual arrest, as opposed to an investigatory stop, is immaterial to this analysis

shall consist of . . . sheriffs. . . ." Pa. Const. art. IX, § 4. While our constitution created the sheriff's office, it did not define his powers.² There are, however, two statutory sections which address the modern sheriff's powers and duties. The majority, like the suppression court, concludes that

2. The Commonwealth Court has acknowledged that neither our constitution nor our statutes enumerate the sheriff's powers and duties.

Quite candidly we are somewhat dismayed by our research disclosure that the Legislature has never chosen to enact legislation delineating the general powers, duties, and responsibilities of the sheriff

Vennert v County of Allegheny, 12 Pa. Commw 517, 529, 316 A.2d 120, 126 (1974).

Most jurisdictions have statutorily defined the duties of a sheriff. Moreover, the majority of those statutes have expressly granted sheriffs the authority to arrest without a warrant. See, e.g., Arizona, (Ariz. Rev. Stat. Ann. §§ 1-215(23), 11-441(A)(2), and 13-3883 (1989)), California, (Cal. Penal Code §§ 830.1 and 836 (West 1985 & Supp 1990)); Colorado, (Colo. Rev. Stat. Ann. §§ 16-3-103 and 18-1-901 (West 1990)); Connecticut, (Conn. Gen. Stat. Ann. §§ 54-1f and 53a-3(9) (1985 & Supp 1990)), Hawaii, (Haw. Rev. Stat. § 601-33 (1985 & Supp 1989)), Illinois, (Ill. Stat. Ann. ch. 125, para 17 (Smith-Hurd 1967 & Supp 1989)), Indiana, (Ind. Code Ann. § 36-2-13-5 (Burns 1981 & Supp 1989)), Iowa, (Iowa Code §§ 801.4(7)(a) and 804.7 (1979 & Supp 1990)), Kentucky, (Ky. Rev. Stat. §§ 446-010(24) and 431.005 (1985 & Supp. 1988)); Maine, (Me. Rev. Stat. Ann. tit 15 § 704 (1980)), Maryland, (Md. Ann. Code art. 27, §§ 594B(a) and 594B(g)(9) (1988 & Supp. 1989)); Missouri, (Mo. Ann. Stat. § 544.216 (Vernon 1987)), Nevada, (Nev. Rev. Stat. §§ 169.125(2) and 171.124 (1987)); New Hampshire, (N.H. Rev. Stat. Ann. §§ 594.10 and 594.1(III) (1986 & Supp 1989)), New Jersey, (N.J. Rev. Stat. § 2A:157-2.1 (1985)); New York, (N.Y. Crim. Proc. Law §§ 120(34)(b), 140.10, 140.25 and 2.10(2) (McKinney 1981 & Supp 1990)), North Dakota, (N.D. Cent. Code §§ 29-05-10 and 29-06-02 (1974 & Supp 1989)), Ohio, (Ohio Rev. Code Ann. § 2935.03(A) (1975 & Supp 1989)), Oklahoma, (Okla. Stat. Ann. tit. 22, § 196 (1969 & Supp. 1990)), Oklahoma Stat. Ann. tit. 21, § 99 (1983)); South Carolina, (S.C. Code Ann. § 23-13-60 (Law Co-op 1977)); South Dakota, (S.D. Codified Laws Ann. § 7-12-1 (1981), S.D. Codified Laws Ann. §§ 23A-3-2 and 23A-45-9(9) (1988)), Texas, (Tex. Code Crim. Proc. Ann. arts. 2.12 and 2.13 (Vernon 1977 & Supp 1990)), Utah, (Utah Code Ann. §§ 77-1a-1(1)(a)(i) and 77-7-2 (1990)), Utah Code Ann. § 17-22-2(1)(b) (1987 & Supp 1989)); Vermont, (Vt. R. Crim. P. 3(a) and 54(c)(6)), Virginia, (Va. Code Ann. § 19.2-81 (1983 & Supp 1989)), West Virginia, (W. Va. Code § 62-10-9 (1989)); Wisconsin, (Wis. Stat. Ann. §§ 967.02(5) and 968.07(1)(d) (West 1985)), Wis. Stat. Ann. § 59.24 (West 1988));

these statutes delimit the sheriff's authority. This interpretation has the effect of stripping the constitutional office of the sheriff of any powers not enumerated by the legislature, removing the sheriff from his traditional position as the primary law enforcement officer of the county, and rele-

Wyoming, (Wyo. Stat. Ann. §§ 7-2-101(a)(iv)(A) and 7-2-103 (1987)).

Several other jurisdictions, while not granting express authority to make warrantless arrests, have interpreted their arrest statutes as allowing sheriffs to make such arrests. See, e.g., Florida, (Fl. Stat. Ann. §§ 30.07 and 30.15 (West 1988)), Fl. Stat. Ann. § 901.15 (West 1985 & Supp. 1990), *Fields v. State*, 160 Fla. 877, 878, 36 So.2d 919, 920 (1948) (court justified a deputy sheriff's warrantless arrest by stating that "[t]he law of [Florida] by statute makes the sheriff and the deputy sheriff officers to conserve the peace and authorizes them to make arrests"), 72 Fl. Att'y Gen. Op. 381 (1972)), Louisiana, (La. Code Crim. Proc. Ann. art. 213 (West 1967 & Supp. 1990)), *Castriotta v. Cronvick*, 277 So.2d 744, 746 (La. Ct. App. 1973) (warrantless arrest for a misdemeanor committed in the presence of the deputy sheriff was "authorized by virtue of Article 213 of the Code of Criminal Procedure"); Michigan, (Mich. Comp. Laws § 764.15 (1982 & Supp 1990)), *People v. Robinson*, 344 Mich. 353, 364, 74 N.W.2d 41, 42 (1955) ("[a]uthority of a deputy sheriff of the county to arrest or stop defendant for a misdemeanor committed in the officer's presence cannot be questioned"); Minnesota, (Minn. Stat. Ann. § 387.03 (West 1968)), Minn. Stat. Ann. §§ 626.84 and 629.34 (West 1983 & Supp. 1990), *Bielejeski v. Commissioner of Public Safety*, 351 N.W.2d 664, 666 (Minn. Ct. App. 1984) (deputy sheriff, who was also a policeman, effectuated a warrantless arrest outside of the police's jurisdiction but the court held that "the officer had the power to arrest as a Crow Wing County Sheriff"); North Carolina, (N.C. Gen. Stat. § 15A-401(b) (1988)) *State v. Gray*, 55 N.C. App. 568, 286 S.E.2d 357 (1982) (warrantless arrest by a deputy sheriff was valid under N.C. Gen. Stat. § 15A-401(b)).

Many other state statutes authorize the sheriff to arrest criminals as part of his duties without indicating whether the sheriff may make warrantless arrests for all crimes committed in the sheriff's presence. See, e.g., Alabama, (Ala. Code § 36-22-3(4) (1977)), Arkansas, (Ark. Stat. Ann. § 14-15-503(b) (1987)), Idaho, (Idaho Code § 31-2202(2) (1983 & Supp. 1989)); Massachusetts, (Mass. Gen. L. ch. 37 § 11 (1985) and ch. 276 § 28 (1972 & Supp 1990)); Mississippi, (Miss. Code Ann. § 99-3-1 (1973 & Supp. 1989)), Montana, (Mont. Code Ann. § 7-32-2121(2) (1989)), Nebraska, (Neb. Rev. Stat. § 23-1710 (1987)), Oregon, (Or. Rev. Stat. § 206.010(1) (1989)), Tennessee, (Tenn. Code Ann. § 8-8-213 (1988)), Washington, (Wash. Rev. Code Ann. § 36.28.010 (West 1964 & Supp. 1990)).

gating him to a secondary role with duties consisting primarily of serving process and enforcing specific directives of our courts. I cannot agree that the legislature intended, or could constitutionally attempt to achieve, such a result

Sheriffs and deputy sheriffs, in their capacity as peace officers, "shall perform all those duties authorized or imposed on them by statute" 16 P.S. § 1216. Section 1216, which took effect in 1976, was an unnamed act intended to clarify the powers of sheriffs and deputy sheriffs. See Act of June 29, 1976, P.L. 475, No. 121 § 1. The act clearly contemplates legislative action to define those duties further. It does not, however, abolish the common-law duties of the sheriff. That it was not intended to do so was made clear later that same year, when the legislature enacted the Judiciary Act of 1976 amending Title 42 of the Pennsylvania Consolidated Statutes. In section 27(a) of the Judiciary Act, the legislature carefully articulated how the Title 42 amendments would affect certain officers:

[N]either this act nor any provision of Title 42 (relating to judiciary and judicial procedure) as added by this act shall impair or limit the existing rights, powers, functions or immunities of any district attorney, sheriff, register of wills, prothonotary of any county except the City and County of Philadelphia, clerk of the courts, Clerk of Quarter Sessions of the City and County of Philadelphia, clerk of the orphans' court division or coroner

Act of July 9, 1976, P.L. 586, No. 142 § 27(a) (emphasis added). Section 27(a) unmistakably emphasizes the legislature's intent that sheriffs retain the powers they already possessed.

3. There are two conflicting methods of interpreting our legislature's codification of one common law duty. First, utilizing the general rule of statutory construction that *expressio unius est exclusio alterius*, "that which is not included in the law shall be understood as excluded from the law," *Commonwealth v. DeFusco*, 378 Pa.Super 442, 446, 549 A 2d 140, 141 (1988), it can be argued that JARA 10(27) prescribes all of the modern sheriff's powers. However, JARA 10(27) does not contain any language which supports reading it as an exclusive list. More-

In 1978, the powers and duties of sheriffs were further delineated in the Judiciary Act Repealer Act ("JARA"): "[t]he sheriff, either personally or by deputy, shall serve process and execute orders directed to him pursuant to law." Act of April 28, 1978, P.L. 202, No. 53 § 10(27) (codified at 42 Pa.C.S. § 2921) (hereinafter JARA 10(27)). JARA also repealed section 27 of the Judiciary Act of 1976 "insofar as inconsistent with the Judiciary Act Repealer Act." Act of April 28, 1978, P.L. 202, No. 53 § 2(a) (codified at 42 Pa.C.S. § 20002(a) (1474)) (hereinafter JARA 2(a)). Finding this general repeal insufficient to accomplish the goal sought, the legislature, in the Judiciary Act Repealer Act Continuation Act, subsequently repealed the specific portion of section 27(a) of the Judiciary Act which dealt with the powers of the Prothonotary, Clerk of Courts, Clerk of the Quarter Sessions and the Clerk of the Orphans' Court. See Act of December 20, 1982, P.L. 1409, No. 326 § 316 (codified at 42 P.S. § 20076) (hereinafter JARACA 316). This repeal, however, did not affect the sheriff's office.

From this history it is apparent that the portion of section 27(a) which addresses sheriffs' powers and duties has not been repealed. Nothing in section 27(a) of the Judiciary Act contradicts any provision of JARA and therefore, JARA 2(a) does not affect section 27(a). JARA 10(27) is not inconsistent with section 27(a), but simply enumerates the sheriff's duty to serve process and execute court orders. JARA 10(27) does not purport to be an all-inclusive list of a sheriff's powers and duties and should not be interpreted as one. It is not inconsistent to statutorily define one common law duty of a sheriff while leaving others basically intact.³ Codifying one

over, such a reading would render section 27(a) meaningless. Ascribing no meaning to section 27(a) would contravene the *express* rule of statutory construction that statutes relating to the same "things," must, if possible, be read together, as one consistent statute. 1 Pa.C.S. § 1932. It is possible to read JARA 10(27) and section 27(a) together and assign each one meaning. When this method of construction is applied, it becomes apparent that the sheriffs' statutorily defined powers are supplemented by his traditional common law powers and duties. I would

Cite as 585 A.2d 1033 (Pa.Super. 1991)

duty does not substantially diminish the sheriff's other common law duties. See generally *Soper v. Montgomery County*, 294 Md. 331, 337, 449 A.2d 1158, 1161 (1982). Moreover, the legislature, through JARACA 316, specifically repealed a particular portion of section 27(a) of the Judiciary Act. JARACA 316 is an unambiguous legislative statement which must take precedence over JARA 2(a), an earlier enacted general statutory section. Compare JARACA 316 and JARA 2(a); cf. 1 Pa.C.S. § 1933 (if a general provision of a statute and a special provision of the same or a different statute conflict, "the special provisions shall prevail and shall be construed as an exception to the general provision ..."). Accordingly, the portion of section 27(a) which concerns sheriffs is still in effect.⁴

The conclusion that section 27(a) is still viable and that JARA 10(27) does not enumerate all of the sheriff's powers is also supported by the principle that neither JARA nor JARACA could constitutionally divest a sheriff of his common law duties. Where the sheriff is a constitutional officer, he is vested with the powers and duties possessed by sheriffs at common law. W. Anderson, *A Treatise on the Law of Sheriffs, Coroners and Constables with Forms*, Volume 1, § 43 at 37 (1941) (hereinafter Anderson, *Sheriffs*); W. Murfree, Sr., *A Treatise on the Law of Sheriffs and other Ministerial Officers*, § 41 at 22 (1884) (hereinafter Murfree, *Sheriffs*); 70 Am.Jur.2d *Sheriffs, Police, and Constables* § 56 at 270 (1987) (hereinafter *Sheriffs and Police*). "While the legislature may impose additional duties upon the sheriff, where he is recognized as a constitutional officer, it cannot restrict or reduce his powers as allowed by the Constitution,

or as they were recognized when the constitution was adopted." Anderson, *Sheriffs*, § 43 at 37 (emphasis added); *Sheriffs and Police*, § 56 at 270; *Brownstown Township v. County of Wayne*, 68 Mich. App. 244, 248, 242 N.W.2d 538, 539 (1976) ("[t]he Legislature may vary the duties of a constitutional office, but it may not change the duties so as to destroy the power to perform the duties of the office").

The notion that a statute cannot limit the sheriff's common law powers and duties is reflected in the deferential language of section 27(a) of the Judiciary Act; subsequent amendments to that Act did not, and could not, alter that constitutionally required deference. Consequently, today, the sheriff possesses the power and the obligation to perform all the duties of a common law sheriff, except so far as those powers and duties may have been modified by our state constitution or enlarged by statute. Anderson, *Sheriffs*, § 43 at 37; see also Murfree, *Sheriffs*, § 41 at 22 ("[i]t is competent for the state legislature to impose upon [the sheriff] new duties growing out of public policy or convenience, but it cannot strip him of his time-honored and common-law functions, and devolve them upon the incumbents of other offices created by legislative authority"); 80 C.J.S. *Sheriffs and Constables*, § 35 at 203-204 (1953) (hereinafter *Sheriffs and Constables*) (in addition to express constitutional and statutory grants of power, sheriffs also have "such implied authority as is necessary to carry out such express authority").

Since JARA 10(27) cannot be read as an exclusive list of the modern sheriff's powers and duties, the scope of those duties must be determined with reference to the powers of the office when it was first created.⁵ This inquiry requires reference

adopt this latter interpretation because it is derived from principles enunciated in our Statutory Construction Act, 1 Pa.C.S. § 1501 *et seq.*, and, as elucidated on page 1043, *infra*, the legislature cannot limit the sheriff's common law powers by statute.

4. Although the majority relies heavily upon JARA 10(27)(42 Pa.C.S. § 2921) in building his argument that the legislature has stripped sheriffs of their authority to arrest, notably absent from Judge Weand's opinion is any explanation

of the legislature's intent with regard to section 27(a), nor any explication of the foundation upon which the legislature's power to alter the fundamental nature of a constitutionally created office could rest

5. Our present constitution was adopted in 1968. However, our constitutions have always provided for the sheriff's office. See, e.g., Pa. Const. § 31 (1776) (repealed) ("[s]heriffs and coroners shall be elected annually in each city and county"); Pa. Const. art. VI, § 1 (1790) (repealed)

in turn to the common law of England under 1 Pa.C.S. § 1503(a), which states:

[t]he common law and such of the Statutes of England as were in force in the Province of Pennsylvania on May 14, 1776 and which were properly adapted to the circumstances of the inhabitants of this Commonwealth shall be deemed to have been in force in this Commonwealth from and after February 10, 1777.

1 Pa.C.S. § 1503(a).

"The office of sheriff is one of the oldest offices known to the common law system of jurisprudence. It is an office of great dignity and greater antiquity." Anderson, *Sheriffs*, § 1 at 2.

[Sir Edward] Coke ascribes to [the sheriff] a treble custody, to wit, of the life of justice, of the life of the law, and of the life of the republic; of the life of justice, to serve process and to return indifferent juries for the trial of men's lives, liberties, lands, and goods, of the life of the law, to make execution, which is the life of the law; and of the life of the republic, to keep peace, etc.

Gwynne, *Sheriff and Coroner* at 57-58. In his role as peace keeper, the sheriff is "the principal conservator of the peace within his bailiwick." *Commonwealth v. Vandyke*, 57 Pa. 34, 39 (1868); see also Anderson, *Sheriffs*, § 42 at 36-37 (the sheriff is "responsible as conservator of the

("[s]heriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county . . ."); Pa. Const. art. VI, § 1 (1838) (repealed) ("[s]heriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county"), Pa. Const. art. XIV, § 1 (1874) (repealed) ("[c]ounty officers shall consist of sheriffs . . ."). Because the office of the sheriff has been perpetuated in each of these charters without specification or limitation of its powers, it is fair to conclude that the modern sheriff retains those powers which were understood to be inherent in the office at the time it was codified in the 1776 constitution.

6. The sheriff's duty to preserve the peace is heightened when he knows that a particular area is not adequately patrolled by local authorities. See *Sheriffs and Police*, § 47 at 262; *Sheriffs and Constables*, § 42(c) at 213; see also *Soper*, 294 Md. at 338, 449 A.2d at 1162 (in counties where a police force has not been es-

peace and protector of society against vice and crime"). "In short, all legislation tending to secure the peace, order, safety, and comfort of the community, naturally falls within [the sheriff's] province." *Murfree, Sheriffs*, § 1172 at 640; see also *Elder v. Camp*, 193 Ga. 320, 323, 18 S.E.2d 622, 625 (1942) (citation omitted) ("sheriff has the right and duty to 'enforce the laws enacted for the protection of the lives, persons, property, health, and morals of the people . . .'"); *State v. Reichman*, 135 Tenn. 653, 665, 188 S.W. 225, 228 (1916) ("it is the duty of the sheriff and his deputies to keep their eyes open for evidence of public offenses, and that it is a distinct neglect of duty for them to ignore common knowledge of law violations . . .").⁶

Under the common law of England, the sheriff's powers and duties as keeper of the queen's peace required him to

apprehend, and commit to prison, all persons who break the peace, or attempt to break it; and may bind any one in a recognisance to keep the peace. He may, and is bound *ex officio* to pursue, and take all traitors, murderers, felons, and other misdoers, and commit them to gaol for safe custody

H. Broom and E. Hadley, *Commentaries on the Laws of England*, Volume I at 410 (1869); see also E. Jenks, *Stephen's Commentaries on the Laws of England*, Vol-

established, the sheriff provides local law enforcement and executes all duties otherwise performed by policemen); *Brownstown Township*, 68 Mich. App. at 251, 242 N.W.2d at 541. In Clarion County, Pennsylvania, for example, one night a week during the summer months, the Clarion County Sheriff's Office provides a deputy sheriff to patrol townships and boroughs that have not established a police force. See *The Clarion News* (July 26, 1989). Even if a jurisdiction within the sheriff's county has established its own police force, the sheriff's powers and duties are not diminished. See *Soper*, 294 Md. at 337, 449 A.2d at 1161 ("[w]e shall note that ordinarily [the common law powers of a sheriff] are concurrent with the powers now ordinarily exercised by police officers"); *Wolfe v. Huff*, 232 Ga. 44, 45, 205 S.E.2d 254, 255 (1974) ("[e]ven when a county police force is established, the power and authority of the sheriff to enforce the law and preserve the peace is not legally diminished. Both should act cooperatively and in concert to achieve this desired purpose")

Cite as 585 A.2d 1033 (Pa.Super 1991)

ume I at 313-314 (18th ed. 1925). When apprehending criminals, the sheriff could arrest, without a warrant, a person who committed a breach of the peace in his presence or any felon. See *id.* Volume IV at 275; see also Anderson, *Sheriffs*, § 166 at 160. When the sheriff's office was transplanted from England to the colonies, including Pennsylvania, its common law role as the primary peace officer of his bailiwick was not substantially altered.⁷

In Pennsylvania,

[t]he general rule is, 'A peace officer may, without a warrant, arrest for a felony or a misdemeanor committed in his presence although the right to arrest for a misdemeanor, unless conferred by statute, is restricted to misdemeanors amounting to a breach of the peace.'

Commonwealth v. Pincavitch, 206 Pa.Super. 539, 544, 214 A.2d 280, 282 (1965) (citation omitted). It is apparent from the discussion above that the common law powers of the sheriff included those of a peace officer. As these common law powers have been retained by the sheriff under the Pennsylvania constitution, it follows that the modern sheriff, in accordance with the general rule stated in *Pincavitch*, retains the common law authority to arrest for breaches of the peace committed in his presence.⁸

This court has stated:

7. In the United States, the English common law was altered only to allow the sheriff to arrest for all offenses attempted or committed in his presence, without a warrant. Murfree, *Sheriffs*, § 169 at 163, Anderson, *Sheriffs*, § 1161 at 629, see also *Reichman*, 135 Tenn. at 664, 188 S.W. at 228; cf. *United States v. Watson*, 423 U.S. 411, 418, 96 S.Ct. 820, 825, 46 L.Ed.2d 598 (1976) ("the ancient common-law rule [was] that a peace officer was permitted to arrest without a warrant for a misdemeanor or felony committed in his presence as well as for a felony not committed in his presence if there was reasonable grounds for making the arrest").

8. The Pennsylvania Crimes Code, which defines the term "peace officer," was not enacted until 1973. See 18 Pa.C.S. § 501. Therefore, the Code's definition is not controlling in determining whether the sheriff was a peace officer at common law, and whether the sheriff falls within the purview of the the *Pincavitch* court's description of the powers of a "peace officer"

[since] 'all crimes are offenses against the peace, the phrase 'breach of the peace' would seem to extend to all indictable offenses, as well those which are in fact attended with force and violence, as those are only constructive breaches of the peace of the government, inasmuch as they violate its good order.'

Commonwealth v. Magaro, 175 Pa.Super. 79, 82, 103 A.2d 449, 451 (1954), quoting *Williamson v. United States*, 207 U.S. 425, 444, 28 S.Ct. 163, 169, 52 L.Ed. 278 (1908). It appears then, that any criminal offense constitutes a breach of the peace. ✓

Because the sheriff had, at common law, the authority to make a warrantless arrest for any breach of the peace that was committed in his presence, an authority which was given constitutional dimension when the office of sheriff was incorporated in each of Pennsylvania's constitutions, it necessarily follows that the office retains identical arrest powers today. Additionally, there is no doubt that any criminal violation constitutes a breach of the peace. ✓ Consequently, the modern sheriff is authorized to stop and arrest, without a warrant, someone who violates the Motor Vehicle Code in his presence. See Anderson, *Sheriffs*, § 153 at 149; see also 69 Op.Ga.Att'y Gen. 385 (1969) ("[t]he enforcement of the criminal law, which include[s] traffic regulations, is logically comprehended by the phrase 'preserving the peace'").⁹ ✓

However, I believe that the sheriff is a "peace officer" as defined by the Crimes Code. A "peace officer" is "[a]ny person who by virtue of his office or public employment is vested by law with the duty to maintain public order or to make arrests for offenses whether that duty extends to all offenses or is limited to specific offenses." 18 Pa.C.S. § 501 (emphasis added). As I have discussed, the office of the sheriff has always been charged with the duty to maintain public order.

9. Our Motor Vehicle Code allows uniformed Pennsylvania State Police Officers to make warrantless arrests for violations occurring in their presence 75 Pa.C.S. § 6304(a). Further, other uniformed police officers may arrest, without a warrant, nonresidents found committing code violations. 75 Pa.C.S. § 6304(b). These sections do not preclude the sheriff from performing a warrantless arrest.

As previously noted, a statute cannot extinguish the common law powers and duties of a

It is true, as Leet contends, that the sheriff's arrest powers date from a period when crimes were defined by the common law and that these common law crimes have since been abolished in Pennsylvania, 18 Pa.C.S. § 107(b), and replaced by the Crimes Code. However, it is a *non sequitur* to argue that because no common law crimes exist, there are no crimes for which the sheriff may arrest. A distinction must be drawn between the ability to arrest for common law crimes and deriving one's authority to arrest from the common law. The common law imparted to sheriffs the power to arrest for all crimes committed in their presence. While common law crimes have been expressly abrogated, the constitutional powers of the sheriff have not been altered. Because the legislature could not, by redefining crimes, accomplish indirectly what it could not do directly, i.e., truncate the constitutionally endowed powers of the sheriff, it follows that the sheriff retains the authority to arrest without a warrant for all crimes, however defined, committed in his presence.

In my opinion, since Deputy Sheriff Gibbons had the authority to stop Leet for the Motor Vehicle Code violation committed in

constitutional officer. See *supra* at p 1037. Moreover, "[t]he powers of arrest conferred by [section 6304] are in addition to any other powers of arrest conferred by law." 75 Pa.C.S. § 6304(c). This clearly evidences the legislature's intent that section 6304 is not, as the majority states, an exclusive list of those officers authorized to make warrantless arrests. Because, as outlined above, the common law and our constitution confer upon the sheriff the power to arrest for any violation of a criminal statute occurring in his presence, 75 Pa.C.S. § 6304(a) and (b) should not be construed to limit the power to make warrantless arrests to state and local policemen.

In *Commonwealth v Galloway*, — Pa —, 574 A.2d 1045 (1990), the Commonwealth argued that an investigator for the Attorney General's Office possessed the power to stop and arrest a motorist violating the Motor Vehicle Code. Our supreme court disagreed. The Commonwealth Attorney's Act, 71 P.S. § 732-101 *et seq.*, grants members of the Attorney General's Office the power to arrest but restricts that power to arrests made in connection with the investigation and prosecution of offenses enumerated in 71 P.S. § 732-205. — Pa. at —, 574 A.2d at 1048. The court acknowledged that if enforcement of the Motor Vehicle Code was listed as a duty in section 732-205, by virtue of 75

his presence, it is clear that suppression of the evidence based on the illegality of the stop was improper. However, because this court may affirm the trial court's order, if correct, on any basis, *Soloski v. Hetrick*, 396 Pa.Super. 140, — n 8, 578 A.2d 445, 453 n 8 (1990), further review of the suppression court's ruling is warranted here. Should the evidence have been suppressed as the result of an illegal search of Leet's car? A careful review of the record and applicable case law can only lead to the conclusion that the methamphetamine found in the tape deck of Leet's car was procured during a valid consensual search of Leet's car and that the evidence seized should have been admitted.

After moving Leet's car to a safe parking space, Deputy Sheriff Gibbons asked Leet if he would mind opening the paper bags that were in Leet's car. Following each request, Leet voluntarily opened a bag, eventually opening a bag containing marijuana. The voluntariness of Leet's consent must be determined by the totality of the circumstances. *Commonwealth v. Elliott*, 376 Pa.Super. 536, 553, 546 A.2d 654, 663 (1988). Further, the record must

Pa.C.S. § 6304(c), the investigator would possess the power to arrest for violations of that Code. However, section 732-205 does not mention enforcement of the Motor Vehicle Code. Hence, the power to stop for a Motor Vehicle Code violation was not otherwise "conferred by law" as required by 75 Pa.C.S. § 6304(c) and accordingly, the investigator had no authority to arrest for Motor Vehicle Code violations. See *Galloway*, — Pa. at —, 574 A.2d at 1046.

Galloway's holding that members of the Attorney General's Office cannot stop motorists for Motor Vehicle Code violations does not affect the conclusion that the sheriff does possess such power. *Galloway* is easily distinguished because it is based wholly on the supreme court's interpretation of the scope of power conferred on the Attorney General by the Commonwealth Attorney's Act. This Act does not purport to regulate the powers and duties of a sheriff and therefore the Act, and the *Galloway* decision, are not dispositive of the issue before this court. However, the *Galloway* court expressly recognized that arrest powers can arise from sources other than section 6304. — Pa. at — n. 2, 574 A.2d at 1048 n. 2. Thus, our statutes do not preclude this court from looking to the common law as the origin of the sheriff's arrest powers.

Unrelated to Sheriff arrest powers

disclose that consent was not obtained through the use of duress or coercion. *Commonwealth v. Smagala*, 388 Pa Super 466, 474, 557 A.2d 347, 350 (1989). None of the testimony from the suppression hearing even remotely suggests the existence of threats, duress, or coercion. Hence, the marijuana was lawfully obtained

After discovering the marijuana and arresting Leet, the officers began to search Leet's car.

To justify . . . a [warrantless] search . . . [of an automobile,] an officer must have independent probable cause to believe that a felony has been committed by the occupants of the vehicle, or that it has been used in the furtherance of the commission of a felony, or *the officer must have a basis for believing that evidence of a crime is concealed within the vehicle, or that there are weapons contained therein which are accessible to the occupants.*

Commonwealth v. Lewis, 442 Pa. 98, 101, 275 A.2d 51, 52 (1971) (emphasis added); *Commonwealth v. Rodriguez*, 379 Pa Super 24, 28-29, 549 A.2d 578, 580 (1988) *allocatur granted*, 523 Pa. 649, 567 A.2d 652 (1989); *see also Commonwealth v. Milyak*, 508 Pa. 2, 8, 493 A.2d 1346, 1349 (1985) ("where there exists probable cause related to the vehicle or its occupants, a search of the vehicle is permissible"); *Commonwealth v. York*, 381 Pa.Super. 55, 63, 552 A.2d 1092, 1096 (1989) ("[w]here police officers have probable cause to believe a vehicle is carrying contraband, they may conduct a search of the vehicle as thorough as a district justice could authorize in a warrant") Probable cause to believe that an automobile contains the fruits or instrumentalities of crime exists when the facts available to the officer would warrant such a belief in a man of reasonable caution. *Rodriguez*, 379 Pa.Super. at 28, 549 A.2d at 580. Here, the smell of marijuana and beer emanating from Leet's car and the subsequent lawful discovery of both substances inside the car gave rise to probable cause to believe that the car contained additional contraband. *Commonwealth v. Duell*, 305 Pa.Super. 431, 433, 451 A.2d 724, 725 (1982) ("probable

cause to believe that the car might contain further contraband in the form of marijuana or alcohol" arose after police, during a roadside traffic stop, observed an open bottle of wine in the car and smelled marijuana); *see also Commonwealth v. Bailey*, 376 Pa.Super. 291, 545 A.2d 942 (1988) (warrantless search of entire car was valid even though the defendant had already been arrested and handcuffed, where probable cause to believe that evidence of a crime was concealed in the automobile arose after a policeman observed the defendant holding a clear plastic bag which contained a white powder during the course of a roadside traffic stop); *Commonwealth v. Stoner*, 236 Pa.Super. 161, 165, 344 A.2d 633, 635 (1975) (probable cause to search automobile arose where, during a routine traffic stop, officer "observed marijuana seeds and leaves in plain view on the floor, seats, and clothing in" defendant's car), *Commonwealth v. Wright*, 234 Pa.Super. 83, 86, 339 A.2d 103, 105 (1975) (where officer observed heroin in defendant's car during a roadside stop, the officer had the "right to search the entire vehicle").

Thus, it was during the course of a valid search that Leet yelled to the officers that more drugs were hidden in the tape deck, leading to the discovery of the methamphetamine. The only conceivable motivation for Leet's behavior was his belief that the drugs would inevitably be discovered in the course of the search. I would not characterize a legal search based on probable cause to be a source of duress or coercion or to constitute a threat that would vitiate the voluntariness of Leet's behavior. Accordingly, it is clear that Leet voluntarily instructed the officers of the location of the methamphetamine. *Smagala, supra*. Consequently, I would find that the methamphetamine, the drug on which the charges against Leet were based, is admissible at trial.

The foregoing discussion may be summarized as follows: first, that Deputy Sheriff Gibbons possessed the authority to stop Leet for a traffic violation committed in his presence, and second, since Leet voluntarily disclosed during the course of a valid

automobile search information leading to the discovery of methamphetamine, the drugs should not have been suppressed. For these reasons, I would reverse the suppression order and remand the case for trial

FORD ELLIOTT, J., joins.



COMMONWEALTH of Pennsylvania

v.

Mark J. STEIN, Appellant.

Superior Court of Pennsylvania.

Submitted Oct. 9, 1990.

Filed Jan. 28, 1991.

Defendant was convicted in the Court of Common Pleas, Allegheny County, Criminal Division, No. CC 89-00006, Bigley, J., of 18 counts charging him with theft by failure to make required disposition of funds received and 18 counts of conspiracy for the theft offense. Defendant appealed. The Superior Court, No. 817 Pittsburgh 1990, Beck, J., held that: (1) evidence would not support convicting defendant who was salesperson for construction company and accepted deposit money from homeowners on contracts for which work was not done of theft even on accomplice theory of liability, and (2) evidence would not support conspiracy convictions.

Reversed.

1. Embezzlement ⇨4

To find individual guilty of theft by failure to make required disposition of funds received, Commonwealth must prove that defendant obtained property of another subject to agreement or known legal obligation upon receipt to make specific payments or other disposition thereof, that defendant intentionally dealt with property

obtained as his own, and that defendant failed to make required disposition of property. 18 Pa.C.S.A. § 3927(a).

2. Conspiracy ⇨23

Individual is guilty of criminal conspiracy if, with intent to promote or facilitate crime, he agreed to aid another person in attempt, solicitation, planning, or commission of crime. 18 Pa.C.S.A. § 903(a).

3. Criminal Law ⇨59(1)

"Intent" element required to be proven by Commonwealth is the same for accomplice liability as for conspiracy. 18 Pa.C.S.A. §§ 306(c), 903(a).

4. Embezzlement ⇨44(6)

Evidence would not support conviction for theft by failure to make required disposition of funds received; defendant was salesperson for construction company, and although defendant accepted deposit money from homeowners for work that was not done and defendant received salary from construction company, evidence did not establish that defendant intentionally dealt with homeowners' property as his own. 18 Pa.C.S.A. § 3927(a).

5. Embezzlement ⇨44(1)

Evidence would not support convicting defendant of theft by failure to make required disposition of funds received on theory of accomplice liability, although defendant as salesperson for construction company obtained deposit money from homeowners on contracts for which work was not done and defendant received salary from construction company. 18 Pa.C.S.A. § 3927(a).

6. Conspiracy ⇨47(11)

Evidence would not support convicting defendant of conspiracy to commit theft by failure to make required disposition of funds received, although defendant worked as salesperson for construction company and accepted deposit money from homeowners on contracts for which work was not done; evidence did not suggest that defendant had agreement with his brother who owned company to commit theft of

Harry Geizer

PRESENTATION TO THE
HOUSE JUDICIARY COMMITTEE

AUGUST 17, 1993

I am not going to get involved in the history of the Sheriffs Office; either you have already heard it or some of my colleagues will touch upon it. Therefore, I will make an assumption that some representatives have reservations on the cost of having favorable legislation for the Sheriff's Office. My office does quite well with finances. I use the sheriffs' fee bill, Title 42, Sections: 21111 through 21119 to the fullest. I can safely say, by availing myself of Title 42, that on some days the deputy's salary was paid. No expense to the county.

Funding for deputy sheriff's training is through the two dollar surcharge. There are bills in the house to change the Sheriffs Fee Bill and with these bills there are companion bills to increase the surcharge. Any increase granted would sustain the additional training that may be needed. Then again, if the Municipal Police Training Board would accept deputy sheriff's, the extra funding would not be necessary.

The total monies collected by my office in 1992 was \$ 314,353.39, of which \$243,823.99 was from poundage (real estate) My budget for 1992 was \$443,046.00. Monies collected in 1993, from JAN to JUN was \$181,004.52, of that \$151,202.28 was from poundage (real estate). My budget for 1993 is \$456,528.00.

DUTIES AND TRAINING PERFORMED BY THE
PIKE COUNTY SHERIFFS' OFFICE

I. Training/Schooling

- a) Deputy Sheriff's must attend Deputy Sheriffs Basic Training- Act 2(1984); - 160 hours.
- b) Mandatory continuing education - every other year. Training is given by Temple University School of Criminal Justices.
- c) Attend a multitude of seminars, schools, and training in various law enforcement programs. Some of these programs are: (1) US Marshall School, Glynco, Ga. "Court Room Security"; (2) Interpersonal Communication Skills; (3) PR-24; (4) Advanced Drug Law Enforcement School(DEA); (5)(Hazardous Device School(Bomb Technician); Police Firearm Instructor School, training in defensive tactics by our own certified instructors.

II. Duties of a Deputy

- a) Bomb Technician - responds to calls when requested by the PSP - and other state, local and federal enforcement agencies.
- b) Drug Task Force - Member of the county drug task force. Assists in arrests, have done undercover work.
- c) Breathalyzer - Perform DUI tests on breathalyzer 3000.
- d) Video operation - Video tapes DUI suspects.
- e) Deputies do the ELECTRONIC MONITORING for Probationary Department. Placing on person electronic devices and

monitor.

- f) Deputies are on call 24 hours a day.
- g) Execute bench warrants for the court of common plea.
- h) Execute warrants for probation, assist on pick- up orders.
- i) Serve Protection from abuse orders from Court of Common Pleas and/or Magistrates office.
- j) Assist PSP and municipal police with the transport of Mental Health Patients.
- (k) Project D.A.R.E. - Pike County Sheriffs' Office instituted the program in January 1990. We have gone from one deputy to three deputies teaching the program in schools. We are handling two of three school districts. The criteria for being a D.A.R.E. officer is a minimum of two years in law-enforcement field duty. My senior sergeant is a mentor on the state training commission for Pennsylvania Commission on Crime and Delinquency. As of this day we have reached out to 9000 students.
- (l) TRIAD/SALT - Seniors and Law-Forcement Together - This year I have begun to co-ordinate with the Pennsylvania State Police and the three municipal police departments with-in the county to implement the program. This program deals with assisting senior citizens.
- (m) An arm of the court:
 - + providing courtroom security for Judge, defendants, juries and witnesses.

+service of original process in a civil action, to include: process in other than civil actions.

+Replevin (Complaint, writ of seizure, impoundment)

+Proceedings in Quasi in REM (writ of attachment)

+Enforcement of judgement (writ of execution, writ of Possession)

+Evictions (order of possession)

+Service of subpoenas.

++Court Order from Pike County Court of Common Pleas [attached] "Sheriff of Pike is directed to make service of all process emanation from the Magisterial Districts"

++Court Order from Pike County Court of Common Pleas [attached] "Sheriff of Pike is directed to do all juvenile transports].

n) Crimes Code Section 4110: Defrauding Secured Creditors. Have filed criminal complaints based on this section. Sheriffs come by these circumstances frequently.

o) Prisoner transport: In July 1989 the Pike County Jail was closed because of an inadequate physical plant. The road mileage incurred just for prisoner transport is in excess of 450,000 miles.

In 1992 the mileage was 160,000 miles; 1993 ending June 30, the mileage is 55, 982. We have housed inmates as far west as Cambria County and south to Chester County

III.

Conclusion:

Deputies of Pike County are trained in the use of force,

search and seizure, and criminal procedures. My deputies' have a noteworthy reputation to the extent that our assistance is requested by the Pennsylvania State Police and the Municipal Police Departments.

Some years ago, the local police departments attempted to receive a NCIC/CLEAN computer for their use. These departments did not meet the Pennsylvania State Police criteria and were denied. I interceded, and my office was able to receive the NCIC machine, (signed over to me) and it is now situated in the Pike County Communication Center.

This indicates that someone out there believes that somewhere with-in the law enforcement structure, sheriff's do have police power.

I am attaching a brief of a case heard in Superior Court; Commonwealth v. Lyons, Superior Court of Pennsylvania (3/13/89) 555 A.2d.920. This case reinforces that Sheriffs do have arrest powers. Another case, Commonwealth v. Delatore; Motion to dismiss. C.P. of Washington County, no 1197 of 1990. Jan. 28, 1991; provides further proof of the sheriffs arrest power.

In closing, I have six deputies that are ACT 120 certified. All are former police officers. The Municipal Police Training Board will not allow them to participate in "Continuing Municipal Police Training Program" because they are no longer employed by a police

department. The district attorney has deputized three as county detectives so they may continue with their education.

I ask you to please take the sheriff's out of limbo. We do not want to take away any one persons livelihood. We want to continue augmenting and assisting other law enforcement agencies. We would like to accomplish this without feeling we are out in left field, standing there naked. "Thank you".

The prothonotary is directed to provide notice of the entry of this opinion and order as required by law.

Commonwealth v. Delatore

Arrests — Power to make — Sheriff and sheriff's deputies — Breach of peace committed in deputies' presence in public area — Sheriff's deputies have power to make arrest

A sheriff and sheriff's deputies have the power to arrest an individual who is committing a breach of the peace in their presence in a public area.

Motion to dismiss. C.P. of Washington County, no. 1197 of 1990.

Dennis M. Makel, assistant district attorney, for the Commonwealth.

George K. Hanna, for defendant.

BELL, J., January 28, 1991—This case is before the court on defendant's motion to dismiss the charges against him. More specifically, defendant is requesting the court to dismiss the charges alleging that neither the sheriff nor his deputies possess general police powers or legal authority to make an arrest.

Upon consideration of the transcript of the preliminary hearing in the above-captioned case, the briefs and arguments of counsel, the court makes the following findings of fact.

The newly constructed Star Lake Amphitheater is located in the rural area of Hanover Township, Washington County, Pennsylvania. Star Lake presents shows and concerts for the general public.

The attorneys for the Commonwealth and the defense stipulated as to the facts and the matters contained in the transcript of the preliminary hearing held on July 24, 1990.

and has a seating capacity of approximately 25,000. Hanover Township has a police force of five part-time police officers.

Star Lake employed full-time security personnel and also entered into an agreement with the Washington County Sheriff's Department that the sheriff and his deputies would provide additional personnel to handle traffic, crowd control, security, etc. Washington County provided a sheriff's vehicle or vehicles to assist in the above.

A letter was written on June 4, 1990, by Chief Deputy Sheriff Ferdal Littleton to management of Star Lake outlining the terms of the sheriff's/deputies' duties and financial arrangements. (See exh. 1.) Basically, the letter states the Washington County Sheriff would provide security and traffic control to Star Lake at \$10 per hour per man; workmen's compensation and general liability insurance on all persons working concert events would be the responsibility of Star Lake. Payment of wages for deputies assigned to Star Lake shall be paid by Star Lake directly to them.

On July 4, 1990, Star Lake conducted a concert/show and Washington County deputy sheriffs were on duty as outlined above. Washington County deputy sheriffs Carl Pitzarella and David Richards were in the security office/trailer located on the premises of Star Lake. The deputies heard screaming emanating from outside the trailer but in the public area of the amphitheater. Deputy Pitzarella stepped outside the doorway and observed defendant Ronald Delatore screaming loudly and using boisterous, vulgar language. Deputy Pitzarella told defendant "to settle down." Defendant ignored him and Pitzarella again requested defendant to calm down; however, defendant continued to be loud, boisterous and used vulgar language in the public area. Deputy Pitzarella then notified defendant he

was under arrest for disorderly conduct and told him to go inside the security office, where the deputy would issue a citation. Defendant settled down and consented. Once inside the security office, defendant let out a scream and punched Deputy Pitzarella in the face, knocking him down.

Pitzarella suffered a broken nose and an injury to his eye. The above incident was witnessed by Deputy Richards who, along with other security personnel present, subdued defendant. Deputy Richards then arrested defendant and filed charges of aggravated assault, simple assault, resisting arrest and disorderly conduct.

We also note that deputies Pitzarella and Richards were dressed in Washington County Deputy Sheriff uniforms, exhibiting badges and side arms, all clear indicia of their official position.

Defendant argues that the deputies had neither general nor specific statutory authority to make an arrest in the case at bar. Further, defendant alleges that the Washington County Sheriff's Department illegally contracted with Star Lake Amphitheater to provide security services; (i.e. they were committing a criminal act by their employment at Star Lake in violation of 16 P.S. §1210 et. seq.). Section 1210 states:

"No sheriff, deputy sheriff . . . shall perform directly or indirectly, any official services or official duties for any person, association, or cooperation, or receive directly or indirectly any compensation . . . from any . . . corporation during the period of their official services."

First, we address the issue of the sheriff's "arrest" authority. Our research reveals no statutory or appellate case law directly on point as to the general arrest powers of the sheriffs and their deputies in the various counties of the Commonwealth of Pennsylvania.

Consequently, we are left with the historical background of the sheriff and his function at common law.

Over 900 years ago the office of sheriff was created in England with its main function or purpose to see that the king's laws were strictly enforced and adhered to by his subjects and to act as the principal conservators of the peace within their bailiwicks.

Granted, over the years and centuries, the duties of the sheriff changed but the office continued to maintain considerable authority as the enforcement arm of the English courts.

In the early 1600s when English immigrants arrived and settled in Pennsylvania they brought with them the English concept of the office of sheriff which included all those duties which English common law mandated and, more particularly, keeping the peace in the counties (bailiwicks) they served.

In Pennsylvania, the office of sheriff was constitutionally established in 1776 with the adoption of Pennsylvania's first Constitution but, unfortunately, this document did not specify or provide a description of the duties or powers of the office. Our present Constitution, which was adopted in 1968, again failed to specify with particularity the duties and powers of the sheriffs in the Commonwealth.

Our research failed to uncover any statutory authority granting or denying the sheriff the power to arrest. Title 16 P.S. §1216 states that a sheriff or his deputies "shall perform all those duties authorized or imposed on them by statute." Further, we find in Title 42 Pa.C.S. §2921 that "the sheriff, either personally or by his deputy, shall serve, process and execute orders directed to him pursuant to law."

Turning to case law in Pennsylvania, we find the sheriff described by the courts in various ways including "the principal conservator of the peace

within his bailiwick," *Commonwealth v. Vandyke*, 57 Pa. 34, 39 (1868); "keeper of the peace . . . in the county," *In Charge to Grand Jury of Venango County*, 23 Pa. C. 667 (1900).

In 1974, we find the Commonwealth Court in *Veneri v. County of Allegheny*, 12 Pa. Commw. 517, 316 A.2d 120 (1974), quoting, with approval, *Vandyke, supra*. "[The] sheriff in this Commonwealth has been described as 'the principal conservator of the peace within his bailiwick.'" Also, we see in *Miller v. Klunk*, 15 D.&C. 3d 599, 601-02 (1980), "sheriffs, within the scope of their respective jurisdictions, are given power, and have the duty, to preserve the peace . . ."

Based upon the above, the court concludes that the office of sheriff in the Commonwealth of Pennsylvania serves two purposes: One, to serve as an arm of the courts, i.e., serving process, enforcing court orders, escorting prisoners, providing protection and security to the courts and its personnel; two, the sheriffs are the keeper or conservator of the public peace and order in their respective bailiwicks or counties.

It is obvious that in order to carry out the duty of maintaining the public peace and order, it is necessary that the sheriff have arrest powers to take into custody those individuals who disrupt the public peace and order in his presence. As pointed out in the *Armstrong County* case of *Commonwealth v. Leet*, 6 D.&C. Ath 97, 98 (1988):

"[T]here can be little doubt that the sheriff and his deputies retain their historic powers as peace officers; that is, the power to stop and/or arrest where breaches of the public peace or public order occur in the presence of such officers. . ."

With respect to the case now before this court, we find for the aforementioned reasons, that the Washington County sheriff's deputies had the legal au-

thority to arrest and charge defendant Delatore. Defendant, by his conduct, was committing a breach of the peace in the presence of the deputies in a public area (Star Lake), i.e., being loud, boisterous, and using vulgar language, and then assaulting Deputy Pitzarella causing serious injury to his person which generated the felony charge of aggravated assault.

It would be illogical to rule that a sheriff or his deputies could witness a breach of the public peace and be a victim of a criminal act and not have the authority to arrest for such conduct in order to preserve the peace. A logical analysis would conclude that it would be impossible for a sheriff to perform his present day functions in situations as the facts of the case reveal without any enforcement authority.

This court, by its decision today, does not decide the broader issue of a sheriff's general police powers or arrest authority with respect to motor vehicle violations, investigations of crimes, etc.

This ruling concerns only the sheriff's authority to arrest for breach of the public peace and order committed in his or his deputies' presence.

Defendant's second argument that the sheriff's office was in violation of 16 P.S. §1210 by their employment at Star Lake is simply irrelevant to the case at bar. Whether or not the sheriff department's contractual arrangement at Star Lake was in compliance with section 1210 has no bearing on defendant's arrest for alleged commission of breaches of the public peace.

The sheriff's contractual arrangement with Star Lake, its legality, its compliance with pertinent statutory authority, etc. is a separate and distinct matter from the issue at bar.

Even if we were to assume that the sheriff's department's contract to provide security services

at Star Lake is in violation of section 1210, the sheriff or his deputies were on the scene and once on the scene, had certain inherent powers as outlined above. It is the court's opinion that regardless of the genesis of the deputies' presence at Star Lake, the sheriff and his deputies are on "call/duty" to perform their services of keeping the public peace 24 hours a day, seven days a week in their respective counties.

For the aforesaid reasons, defendant's motion to dismiss is denied.

ORDER

And now, January 28, 1991, after a hearing and upon consideration of the testimony, evidence and arguments of counsel, defendant's motion to dismiss is denied.

John J. Curry and Son v. Harleysville Mutual Insurance Co.

Insurance — Interpretation of policy — Insurer's duty to defend or indemnify — Work-product exclusion — Ambiguity not created by grant of coverage for express or implied warranties of good workmanship — Insurer not obligated to defend or indemnify

An exclusion from coverage in an insurance policy for insured's work product is not rendered ambiguous, obligating insurer to indemnify or defend insured, by another provision of the policy that grants coverage for express or implied warranties of good workmanship.

Declaratory judgment action. C.P. of Carbon County, no. 88-0936.

William G. Schwab, for plaintiff.

William H. Bayer, for defendant Harleysville Mutual Insurance Co.

The Pennsylvania Police Criminal Law Bulletin is published by Stanley Cohen at 2579 Warren Rd., Indiana, Pa. 15701 monthly at \$20.00 a year. Second Class Postage is paid at Indiana, Pa. 15701. Postmaster: Send address change to the Pennsylvania Police Criminal Law Bulletin at 2579 Warren Rd., Indiana, Pa. 15701.

The major objective of The Pennsylvania Police Criminal Law Bulletin is to keep Pennsylvania Police abreast of developments in criminal law that affect police practices in the state of Pennsylvania.

any person in custody. If each officer who has had contact with the arrested faithfully completes this form and replaces it with an updated form as events change and necessitate other blocks to be marked, then any officer who comes along later and consults this form, will know the status of the arrested and will know just what he can and cannot do as far as approaching the person to give him the warnings and try to question him about an unrelated charge. In other words, police personnel will not be in the dark as to what the status of the person is.

I hope that the above has been of some help. Call or write if you have any questions about this answer or you wish me to engage in research on different questions.

Arrest, Deputy Sheriffs Have Authority Under the Municipal Police Jurisdiction Act To Make Arrests Within and Outside Their Own County When Their Assistance Is Requested By Other Police Officers

Commonwealth v. Lyons
Superior Court of Pennsylvania (3/13/89)
555 A.2d 920

Facts

A probation officer asked deputy sheriffs to assist him in arresting defendant for parole violations. At the request of a probation officer, the deputy sheriffs went to defendant's house without any probation officer present and without any warrant or court order and arrested him. He was charged with and convicted of resisting arrest.

On appeal, defendant claims that a probation officer has no authority to request the assistance of a local law enforcement officer to make a warrantless arrest of a parole violator. Also, he claims that a local law enforcement officer has no authority to make such an arrest without a court order and without the probation officer being present.

Issue

1. Whether the arrest of defendant was lawful without a court order?
2. Whether deputy sheriffs have authority to assist a probation officer in making an arrest?

Decision

Yes to both issues. Affirmed.

Reasoning

A county probation officer is not required to get a court order or a warrant to arrest a parole violator. Deputy sheriffs have statutory authority to assist parole/probation officers under 16 Pa.S.A. Section 1216, which provides that sheriff deputies shall perform all duties imposed on them by statute. One such duty is to maintain the peace and dignity of this Commonwealth. And, 42 Pa.C.S.A. Section 8952 provides that all duly employed municipal police officers have authority to enforce the laws of this Commonwealth anywhere within his primary jurisdiction as to any event that requires action on the part of the police to maintain the peace and dignity of this Commonwealth.

This statutory authority includes authority to aid parole/probation officers. This authority of a deputy sheriff is clearly stated in section 8953 which states that any duly employed municipal police officer who is beyond his primary jurisdiction has authority to enforce the laws of this Commonwealth the same as he can in his own primary jurisdiction when he has requested to assist any law enforcement officer or has probable cause to believe the other officer is in need of help. Deputy sheriffs have express authority to come to the aid of county parole/probation officers outside their own jurisdiction. (Court's emphasis.) The broad grant of authority in Section 8952 includes such authority within their own jurisdiction. (Court's emphasis.)

In this case, the assistance given by the deputy sheriffs was within the authority granted by the legislature.

Short Brief

(Note: Although this case has no binding effect in Pennsylvania since it was decided by a New Jersey Court, it may have persuasive influence on Pennsylvania courts.)

State v. Carter
Superior Court of New Jersey (8/4/89)
562 A.2d 1196

A police officer stopped defendant's car for tailgating. As the officer approached, he saw a passenger bend over as to reach under the seat. The officer thought the person could be concealing a weapon under the seat. The driver and three passengers were ordered out of the car and patted down for weapons with negative results. The officers were concerned that if a summons was issued and the occupants were allowed to enter the car, they would have access to what was under the seat. While another officer watched the car's occupants, one officer, fearing for his safety, entered the passenger area to look for weapons. Looking under the seat, he found cocaine. After arresting the occupants, he searched the rest of the passenger area and found more evidence.

On appeal from a lower court suppression of the evidence, the Superior Court reversed and upheld the warrantless search, ruling that the search without a warrant and without probable cause, but based on reasonable suspicion that the car contained a weapon, was lawful under Michigan v. Long, 103 S.Ct. 3469 and in the

§4109. Rigging Publicly Exhibited Contest.

(a) Offense defined.—A person commits a misdemeanor of the first degree if, with intent to prevent a publicly exhibited contest from being conducted in accordance with the rules and usages purporting to govern it, he:

(1) confers or offers or agrees to confer any benefit upon, or threatens any injury to a participant, official or other person associated with the contest or exhibition; or

(2) tampers with any person, animal or thing.

(b) Soliciting or accepting benefit for rigging.—A person commits a misdemeanor of the first degree if he knowingly solicits, accepts or agrees to accept any benefit the giving of which would be criminal under subsection (a) of this section.

(c) Participation in rigged contest.—A person commits a misdemeanor of the first degree if he knowingly engages in, sponsors, produces, judges, or otherwise participates in a publicly exhibited contest knowing that the contest is not being conducted in compliance with the rules and usages purporting to govern it, by reason of conduct which would be criminal under this section.

§4110. Defrauding Secured Creditors.

A person commits a misdemeanor of the second degree if he destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest or after levy has been made thereon with intent to hinder enforcement of such interest.

§4111. Fraud in Insolvency.

A person commits a misdemeanor of the second degree if, knowing that proceedings have been or are about to be instituted for the appointment of a receiver or other person entitled to administer property for the benefit of creditors, or that any other composition or liquidation for the benefit of creditors has been or is about to be made, he:

(1) destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property with intent to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors;

(2) knowingly falsifies any writing or record relating to the property; or

(3) knowingly misrepresents or refuses to disclose to a receiver or other person entitled to administer property for the benefit of creditors, the existence, amount or location of the property, or any other information which the actor could be legally required to furnish in relation to such administration.

IN THE COURT OF COMMON PLEAS OF PIKE COUNTY, PENNSYLVANIA

JUVENILE

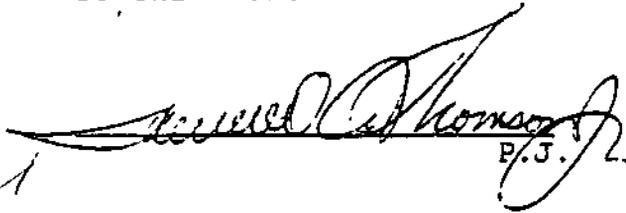
IN RE: JUVENILE
TRANSPORTS

: NO. 11-1002-1-10-11
: 11-1442-1-10-11

: ADMINISTRATIVE ORDER

And now this 3rd day of March, 1992 the
Sheriff of Pike County is directed to transport
juvenile delinquents to and from various detention
centers, treatment facilities, medical facilities, and
other places of detention for the Court as may be
necessitated from time to time conveyed through the
Pike County Probation Office.

BY THE COURT:


P.J.

cc: Probation Office
Sheriff's Office
Court Administrator

ENITL
PIKE COUNTY, PA

MAR 9 1 27 PM '92

OFFICE OF RECORDER
AND PROSECUTOR

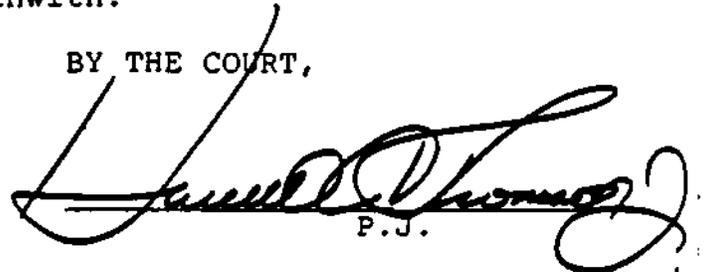
IN THE COURT OF COMMON PLEAS OF PIKE COUNTY, PENNSYLVANIA

IN RE: SERVICE OF PROCESS IN : NO 386 1989 Miscellaneous
THE SIXTIETH JUDICIAL : : Docket
DISTRICT : :

O R D E R

AND NOW, this 1st day of May, 1989, the Sheriff of Pike County is Directed to make service of all process emanating from the Magisterial Districts in the Sixtieth Judicial District of Pennsylvania and the District Justices of this Judicial District are Directed to forward to the Sheriff of Pike County all process to be served forthwith.

BY THE COURT,



P.J.

cc: Sheriff
Carolyn H. Purdue
Gudrun K. Quinn
William Sanguilly
Court Administrator

OFFICE OF THE CLERK
MAY 14 1989
PIKE COUNTY, PA.



OFFICE OF
BARBARA FRAMPTON
CLARION COUNTY COMMISSIONER
COURTHOUSE
CLARION, PENNSYLVANIA 16214

KAREN A. REED
EXECUTIVE SECRETARY

(814) 226-4000
EXT 2006

July 20, 1992

Vern E. Smith
Sheriff of Clarion County
Clarion County Courthouse
Clarion, PA 16214

Dear Vern,

This letter is to confirm my support for you and the other Pennsylvania county sheriffs in the ongoing battle to fully restore your sheriff's powers of arrest.

You and your department provide a much-needed service to the residents of our small county. At a time when crime rates are on the rise, the last thing we need is less law enforcement power!

Please accept my best wishes for a successful and productive 1992 Pennsylvania Sheriff's Association annual convention. You have my support.

Sincerely,

Barbara Frampton
Barbara Frampton

kar/copy



SHUIN SHOWS Need for Reform

The Old Gaffer



TOM T. ANDREWS JR.

Dating way back to the so-called "Wild West" in American history, the position of sheriff has been associated with law enforcement and "keepin' the

the process, the sheriffs of many towns and counties became almost legendary. The need for such police service was acute and, in ever so many cases, the sheriff became somewhat of a national hero. His mission was best described as "keepin' the bad guys under control."

Strange as it may seem scores of years later, the need for law enforcement by modern sheriffs is even greater than in the wild days of the old west. In fact, today's criminals are much more sophisticated than their predecessors. Sheriffs and their crews of deputies (assistants) should be working effectively with other law enforcement agencies at all levels.

With this background in mind, I was shocked in recent days to discover questions are being raised right here in Clarion County about the policing duties, obligations and responsibilities of Sheriff Vern Smith and his designated deputies. Does the elective office of sheriff into the mandated laws of the Commonwealth?

I was even more disturbed to learn that the Clarion County Sheriff's Department might be instructed to refrain from providing services for such events as the Autumn Leaf Festival, football and basketball games, community festivals, and the Clarion County Fair. I was indeed shocked as these events began surfacing, especially the annual Fair.

Providing security, crowd control and regulation of traffic seems rather minor when compared to enforcing criminal laws, but actually there is a correlation since "keeping the peace" in all areas is involved.

I can't write about all the other events, but I most certainly can refer with a 42-year back-

ground of experience to the Clarion County Fair. This community event has played a major role in my adult life through the years, and I know it would be severely handicapped should the services of Sheriff Vern Smith and his crew of deputy officers be withdrawn.

For many years, Smith and his crew have provided super service during Fair Week. Critics of using the county sheriff claim alternates are available, such as fire police, other volunteers and employing a private police agency.

Since security for Fair Week is an around-the-clock service, volunteer fire police are not available except for limited hours each day. As for using private agencies, the cost would be prohibitive.

It should be remembered that the office of county sheriff is an elective position. The public selects the sheriff, and it seems only natural to assume a qualified police officer is involved in the process. Under the new interpretations of state statutes as presented by influential lawyers, many of them serving as solicitors, the public has no right to expect professional police officers, since county sheriffs are limited in what they can and cannot do.

As seems to be taking place in so many other areas of today's complex society, the "public be damned." From the sidelines, this very interested and concerned observer is aghast that the three top executives of county government, the commissioners, endorse this type of citizen negativism. Based on the advice of their legal counsel, an elective office is being subverted.

For many years I have been an advocate of reform in our supposedly constitutional government. It is certainly true that the USA is the world's most workable government, despite apparent blemishes and contradictions. To keep apace with modern times, however, the democratic system needs to be fine-tuned to make it more responsive to the needs of today's challenging society.

The office of county sheriff serves as an excellent example of the need for fine-tuning. Quite separate and apart from the valuable security and control services provided community events such as the county fair and Autumn Leaf Festival, there is a real need for more, not less, police protection for citizens of all areas.

How many times do we hear that the state police are working with only limited personnel, and that local municipalities have only limited police resources? The Sheriff's Department could make massive strides toward correcting this problem.

If legal beagles are determining the powers of sheriff are limited to being process servers, then the General Assembly should authorize corrective action.

Governmental leaders at many levels seem to be mounting all types of actions to combat crime, especially in the fields of drug and alcohol abuse. Most of these well publicized actions serve very few practical purposes. They are largely ineffective programs. If governments are really sincere in their anti-crime programs, what is wrong with expanding already existing po-

[Continued on Page 3]

The Leader-Vindicator

Published Every Wednesday at New Bethlehem, Clarion Co., Pennsylvania, 16242

by Southern Clarion County Newspapers, Inc.

435 Broad Street

New Bethlehem, PA 16242

Phone 814-275-3131

FAX 814-275-3531

JAMES R. SHAFFER
Publisher

JOSEPH SHAW
Editor

BARBARA BARTLEY
County Editor

SANDRA SHRECENGOST
Social Editor

RON WILLISON
Sports Editor

PATRICIA CRAWFORD
Business Manager

SUBSCRIPTION RATES

One year in Pennsylvania, \$16.00; One Year outside Pennsylvania, \$40.00;

One year outside U.S.A., \$50.00; Single copies, 35 cents

Snafu Shows Need For Reform

[Continued from Page 2]

lice and security forces?

Much of the background for today's legal interpretations of what a county sheriff can and cannot do refer directly to insurance coverage — its high cost and risks taken. This seems to go back to the old Gosepl hymn, "Tell Me the Old, Old Story." The costs and risks of today's insurance coverage range far and wide. In fact, insurance might be devastating many areas of today's society.

And once again the need for fine-tuning government surfaces. Legislative bodies need to review insurance policies and place limits on court action abuses.

According to the front-page story in last week's *Leader-Vindicator*, Clarion County Sheriff Vern Smith has already suspended many community services. His action was based on the advice of his solicitor, the county solicitor, and collective actions by the three county

commissioners — Linda McCarthy, David Black and Barbara Frampton.

The sheriff's announced suspension of services quite definitely is not in the public interest. I am quite concerned that the legal snafu involved in this case is one more frightening example that representative government is breaking down. The people's choice when they voted for county sheriff is all but being ignored.

Despite my retirement as a professional journalist, I am still compelled to comment on disturbing developments in modern government. I am not impressed with what I see and hear.

I am still shocked that the infamous assassination in 1963 of President John F. Kennedy is still a controversial issue since the government has silenced by intimidation any and all investigations of what actually took place on that tragic day.

My distrust of government has been even more accelerated by shocking developments about conduct of the so-called recent war in the Persian Gulf. The American people have been deceived in getting information from governmental leaders.

And now, at a much lower level, comes the Sheriff Vern Smith story.

Something is sadly missing in destroying our confidence and trust in those who represent us in the halls of government. The need for corrective action is long overdue.

Court Ruling Handcuffs Counties

There is growing concern throughout the state regarding a recent Pennsylvania Superior Court ruling, which arises from a case in Armstrong County and rules that sheriffs and their deputies do not have certain arrest powers. do not have statutory authority to enforce the Pennsylvania vehicle code.

This not only seems ludicrous in Clarion County, where the sheriff's department is comprised of veteran law enforcement officials, it is absurd.

The case out of Armstrong County involves an incident that occurred May 17, 1988, when Deputy Sheriff Kevin Gibbons saw a car cross a double yellow line and pass three cars. He pulled the car over and found drugs.

The state's Superior Court last month upheld a 1989 ruling by Armstrong County court that deputies don't have the same powers as police officers. While the ruling is limited to traffic arrests, the Superior Court determined the drugs found in the car were seized illegally and the defendant couldn't be prosecuted.

In saying that deputies don't have the same powers as police officers, the state's Superior Court has erred greatly as far as Clarion County is concerned.

I mean, here we have Sheriff Vern Smith — who was a Pennsylvania State Police officer for 29 years — and Chief Deputy Sheriff Daniel Hornberger — a seven-year law enforcement officer who served as a police chief in a southern Clarion

county community prior to joining the sheriff's department. And, we're told by the court that in their present capacities Smith and Hornberger don't have the same powers as police officers when it comes to traffic arrests. Please, give us a break.

Here in Clarion County, all full-time deputy sheriffs have undergone Municipal Training Act schooling, the same training as mandated for other police officers. And, in addition they have undergone the state's sheriff training program.

Brian O'Neill, a columnist for the Pittsburgh Press, wrote on Feb. 17, about this same issue pointing out that in Allegheny County it's not as if the sheriff and his deputies are a bunch of Barney Fifes. Ditto, here in Clarion County.

O'Neill, too, points out the sheriff and deputies in Allegheny County get the same police academy training as borough and township police officers.

Indeed, he says, it's common practice for borough and township officials to request deputies to pinch hit for police temporarily away from the job. Ditto, here in Clarion County.

However, that's not the crux of the immediate case which is now on appeal to the state's Supreme Court. The problem appears to be with the interpretation by the courts over the contents of the legislatively-enacted vehicle code.

That code does not define a 'peace officer,' a 'law enforcement officer,' or 'sheriff.' Since the vehicle code

refers to 'police officer' the court has decided the sheriff's department does not have statutory authority to enforce the Pennsylvania Vehicle Code.

The state code (Title 75-1990) defines a 'police officer' as "a natural person authorized by law to make arrests for violations of law." Go figure.

Although the ruling is being appealed, it has seriously affected the sheriff's departments in this state, as attested to in Clarion County by Sheriff Smith who believes "there's a real need now to pursue legislative action to correct and define these terms in the vehicle code," and in the crimes code and county code.

There really is a present need for

legislative leaders to clearly define the legal terms utilized in their codes. Or, at best there is a need to review those codes and make the meanings of their intent more defined so it is clear to all, including the courts, the police and the public.

Sheriff Smith has contacted legislators about the matter and in letters to those officials he notes, "In all but name, sheriffs and their deputies are police officers and should be afforded the same lawful authority" to enforce the laws.

While the appeal of the case with the state's Supreme Court could take up to two years or more, it is incumbent upon the legislative branch to

[Continued on Page 3]

The Leader-Vindicator Ruling Handcuffs Counties

[Continued from Page 2]

do something expeditiously to correct the entire matter.

It certainly should be incumbent upon the legislators to at least define "who is a police officer" and to take a look at any mandates that should be imposed upon those comprising sheriff's departments throughout the commonwealth. As we said, they can look at the present Clarion County Sheriff's Department if they need an example to use in defining law enforcement personnel.

To do otherwise would be ridiculous in light of the economic

conditions that prevail throughout this commonwealth.

In Clarion County, where the state police are understaffed and many township and borough officials are requesting help from the sheriff's department, there has been a good relationship between the various law enforcement departments.

That apparently is not the case in some other areas of the state; but, in rural areas such as ours we need all the help we can get when it comes to law enforcement, whether it be traffic, civil or criminal activity.

sylvania, 16
Inc.

LEY

MORTII
urg Staffer



OFFICE OF THE
CLARION COUNTY DISTRICT ATTORNEY

347 MAIN STREET, CLARION, PA 16214

814-226-4423

WILLIAM M. KERN
District Attorney

JOSEPH T. STRONG
Assistant District Attorney

May 14, 1991

Patrick J. Stapleton
State Senator, 41st. District
710 Croyland Avenue
Indiana, PA 15701

Dear Senator Stapleton:

I have been asked by our Sheriff Vern Smith to write concerning the arrest powers of County Sheriffs and I do so gladly. In a small county such as Clarion, we have many small towns and townships with no police department and an understaffed State Police barracks. In short, we need all the law enforcement we can get.

In my twelve years as District Attorney of Clarion County, I have had to repeatedly rely on our Sheriff's Department to provide law enforcement services. I have found the sheriff's deputies to be well trained, competent, and helpful. On a number of occasions, the Sheriff's Department has assisted me where other agencies were reluctant to act and on one occasion helped me convict a local police chief who was stealing money.

I am solidly behind any effort to enhance and clarify the police powers of the county sheriff. Please do not hesitate to contact me if you wish to discuss this matter further or if you have any questions.

Very truly yours,

William M. Kern
District Attorney

Editorial - Opinion

Bravo, Sheriff

Clarion County Sheriff Vern E. Smith last week announced his department will be conducting patrols in various townships and boroughs in Clarion county which do not have local law enforcement agencies. For residents in highly-rural and isolated areas of the county, where police patrols often times are few and far between, the promise of any additional visits by a law enforcement agency should be good news, and in some cases, may even provide a better night's sleep.

Smith's program will not be a hit-and-miss operation as it is being coordinated with the Pennsylvania State Police for maximum efficiency between the two agencies. The program also will be staggered to avoid the possibility that patrols will become routine and predictable to potential criminals.

According to Smith, one area that will be addressed is illegal trash dumping in townships in the county. We hope all township and borough residents, not to mention their elected officials, offer their complete cooperation to Smith, particularly in the area of illegal dumping, a problem that should be a matter of major concern for area residents.

Anyone doubting the seriousness of the illegal dumping in this area, a problem which seemed to have no possible solution until Smith's announcement, should venture away from blacktop roads onto gravel and dirt pathways to see just how big a problem it is.

It's been well documented that Penn-

sylvania State Police officers serving Clarion County cannot be everywhere due to manpower limitations. That's unfortunate, but it's also reality.

Surely it would seem the sheriff's program will offer some support to state police officers through coordination, ensuring the two separate law enforcement efforts are being directed in different areas of the county.

We offer our commendation to Sheriff Smith for developing the program, which apparently will function at no extra cost to county taxpayers.

A county sheriff is the chief law enforcement officer in any county in the commonwealth; however, not all persons who have filled the position have pushed the office in that direction, and few to such a degree that Smith has. For his efforts to ensure the office is utilized effectively as it was originally prescribed, we congratulate Smith.

Presently, our only question in connection with the program is can it be expanded to ensure all areas of the county have even more regular patrols? Such a move might provide a greater degree of peace of mind to older county residents.

We have long considered a "county-wide" police force as a possible answer to local police woes, and wonder now if the sheriff's department is actually the proper vehicle for such an effort.

We're hopeful options for expanding the service will be explored by Smith and other county officials.

FR-VINDICATOR
4/16-1990

Enough Destruction

Last week a tour of illegal dump sites in Clarion County left us with more questions than can possibly be answered with any semblance of reasoning.

We were not prepared to see what we faced along the way, scenes that in our wildest dreams we'd never envision.

Why do people do these things? Are they that uncivilized in today's world? Do they really live the hog-like lifestyle depicted by their actions?

And, where are our enforcers of the illegal dumping and littering laws?

We've noted the investigative efforts on the part of the Clarion County Sheriff's Department and the arrests that have been made in the past regarding illegal dump sites; and we've seen arrests by our state police when it comes to those who have littered our highways.

But how much can be expected from those departments, which are now severely

understaffed and overworked with other priorities?

We'd think our state and federal officeholders, who have enacted these laws, would be smart enough to know and see that to prevent crime you must have the means and personnel to do just that.

If they can't see that point of view, then we suggest a tour of the illegal dump sites in our area. Maybe then their eyes would open up to the devastation before them.

Where are our public servants who work for the Environmental Protection Agency, Department of Environmental Resources and the Department of Health?

Laws are being broken; land is being destroyed; nearby water is being polluted; and rats are running through our hillsides.

This nonsense has got to be put to a stop once and for all — and we mean FOR ALL: all of us, all of our future generations.

Townships:
Farmington
Highland
Knox
Millcreek
Washington

CLARION COUNTY DISTRICT COURT



MAGISTERIAL DISTRICT 18-03-02
511 S. PAINT BLVD., SHIPPENVILLE, PA 16254
PHONE: (814) 226-5170

Townships
Piney
Paint
Monroe
Sligo Borough

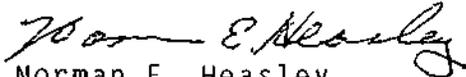
May 20, 1991

To Whom It May Concern:

As a Clarion County District Justice, I strongly support legislation that would amend Title 42 of the Pennsylvania Consolidated Statutes, which provides the powers and duties of Sheriffs and Deputies relating to law enforcement, which would authorized enforcement powers for the Sheriffs' Departments to be equal to other law-enforcement agencies having legal jurisdiction in the Commonwealth of Pennsylvania.

Our Clarion County Sheriff's Department is a valuable asset to the over-all responsibility of local law enforcement and has proven to be invaluable to the many services and events provided to the residents of Clarion County.

Sincerely yours,


Norman E. Heasley
District Justice



Olde Liberty Square • 4811 Jonestown Road, Suite 229 • Harrisburg, PA 17109 • (717) 657-3911
PENNSYLVANIA STATE OFFICE

May 31, 1991

Sheriff Vern Smith
Clarion County Courthouse
Main Street
Clarion, PA 16214

MADD in Pennsylvania supports the concept of arrest powers for properly trained and qualified sheriffs and deputy sheriffs. By that we mean that they receive the same level of DUI detection and training as currently required for municipal and state police officers.

Sincerely,

A handwritten signature in black ink, appearing to read "Hope Emerich", is written over the typed name.

Hope Emerich

Public Policy Liaison

KNOX BOROUGH POLICE DEPARTMENT

COMMONWEALTH OF PENNSYLVANIA

P. O. Box 366, Knox, Pa. 16232

WILLIAM H. PECK, JR.
Chief of Police.

February 19, 1991

Rep. David R. Wright
21 N. 6th Avenue
Clarion, PA. 16214

RE: County Sheriffs and Deputy Sheriffs - Arrest Powers

Dear Representative Wright,

The authority of elected County Sheriffs and their Deputies has been eroded by the decision recently made by the Superior Court. Joint efforts in Clarion County and other Counties across the state has been undermined by this decision.

The Superior Court ruled that Sheriffs of this Commonwealth do not have statutory authority to enforce the vehicle Code-Title 75 in the Case of Commonwealth vs Marshall Edwin Leet, No. 462 Pittsburgh 1989.

I am the Chief of Police of a one man department in Knox Borough Clarion County and the fact at the present time I am the only officer in the department. I cannot begin to say how many times the Clarion County Sheriff Department has come to my assistance. The only other assistance available to my department would be the Pennsylvania State Police who are greatly understaffed and not always available.

The decision is complicated to the reference to "Law Enforcement Officer," "Peace Officer," and "Police Officers," in various statutes and regulations pertaining to rules of criminal procedure and Act 120, the Municipal police officer training and Education Act, Title 18 (Crimes Code), Title 75 (Vehicle Code) while a layman may conclude that these terms have the same basic meaning the courts feel otherwise.

I strongly support statutory authorization for arrest and enforcement powers for County Sheriff's and strongly encourage our legislative leaders to clearly define the legal terms utilized in criminal statutes so that the legislative intent in clear to all involved.

Sincerely,

William H. Peck
William H. Peck
Chief Of Police

cc: Clarion County Sheriff

Clarion County Counseling Center

214 SOUTH 7th AVE

CLARION, PA 16214

PHONE: 814/226-6252

CLARION COUNTY COMMISSIONERS:

DAVID BLACK

TOM ARMAGOST

KEITH MARTIN

A DEPARTMENT OF MH/MR/D&A

ADMINISTRATION

RODGER R. BUZARD

COUNTY ADMINISTRATOR

(814) 226-1080

May 3, 1991

To Whom It May Concern:

Crisis Intervention Services of Clarion County strongly supports legislation that would amend Title 42 of the Pennsylvania Consolidated Statutes, which provides the powers and duties of Sheriffs and Deputies relating to law enforcement, which would authorize enforcement powers for the Sheriffs' Departments to be equal to other law-enforcement agencies having legal jurisdiction in the Commonwealth of Pennsylvania.

Our Clarion County Sheriff's Department is a valuable asset to the over-all responsibility of local law enforcement and has proven to be invaluable in our ability to provide services to the residents of Clarion County.

The character and dependability of the officers have been above reproach and the professionalism of the Sheriff's Office has immensely helped in the carrying out of our legal responsibilities.

Sincerely yours,

Terrance S. Bean, gb

Terrance S. Bean

Supervisor,

Crisis Intervention Services



RIMERSBURG POLICE DEPT.

108 S. MAIN STREET
RIMERSBURG, PA. 16248

CHIEF

RONALD GARVER
PH. 814-473-3065

February 21, 1991

MAYOR

JOHN CORSINI
204 N. MAIN STREET
PH. 814-473-3487

Rep. Ronald Black
404 South Office Bldg.
Harrisburg, PA 17120

RE: Arrest Powers of County Sheriffs and Deputy Sheriffs

Dear Sir:

I am a municipal police officer and Chief of Police in Rimersburg Borough, Clarion County.

I would like to call your attention to a recent ruling by the Superior Court. In the case of Commonwealth VS Marshal Edwin Leet, No. 462 Pittsburgh 1989, the Superior Court ruled that Sheriffs of this Commonwealth do not have statutory authority to enforce the vehicle code, Title 75.

As Chief of Police in a one man department, I have had many occasions to rely on the Clarion County Sheriff's Dept. for assistance in all phases of my work.

The State Police are understaffed and my municipality is in no financial position to hire help for me. I find this decision incredible at this time of unemployment and plunging revenue in most municipalities in this state.

This decision was based on Judiciary Rules of Criminal Procedure, specifically Rule 3 (1) and (0), Rule 52, and Rule 101, not on legislative statutes. It is complicated by the use of different terms such as "Police Officers", "Peace Officers" and "Law Enforcement Officers" in various statutes & regulations.

I find it ludicrous that the fact that hundreds of pending criminal actions in this state hinge on interpretation of definitions as to what constitutes a "Police Officer."

I support statutory authorization for arrest and enforcement powers for County Sheriffs and I strongly urge you to support legislation to that end.

Sincerely,

Ronald Garver
Chief of Police

RPG/jeg

EUGENE L. COON
SHERIFF

JOHN M. McNAMARA
CHIEF DEPUTY

MEMBER



Sheriff's Office County of Allegheny

ROOM 111 COURT HOUSE
PITTSBURGH, PA. 15219
355-4700



Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives

INTRODUCTION OF SHERIFF EUGENE L. COON

Sheriff *EUGENE L. COON*, presently in his sixth term, has served as Sheriff longer than any other person in the history of Allegheny County.

Graduated from high school in 1947, he attended the University of Pittsburgh as a pre-law major.

He served two separate tours of duty with the U.S. Army: 1947-1948 with the 7th Infantry Division, and 1950-1951 as a Combat Infantryman with the 1st Cavalry Division in Korea.

In October, 1952, Coon was sworn-in as a patrolman in the Pittsburgh Bureau of Police. He started as a beat patrolman, worked patrol cars, and eventually was assigned as a detective in the Narcotics Squad.

In 1957, he was promoted to Police Sergeant and assigned to the North Side Police Station.

In 1962, while head of the Squad, he was cited for his undercover work in breaking up a major narcotics ring in the City. His undercover investigation resulted in the arrest and conviction of 22 narcotics pushers. During the same year, he placed first on a competitive Civil Service examination and was promoted to Detective Lieutenant and Supervisor of a detective shift.

The following year, after placing first on another Civil Service examination, Coon was promoted to Detective Captain and placed in command of the Homicide Unit.



From a record of traditionally low murder solutions, the Homicide Squad solved 81 out of 82 murders during Coon's command of the Squad. His Homicide Unit also solved two murders which occurred before 1963.

In 1965, he was promoted to Assistant Superintendent of Police and was named Commanding Officer of the Detective Branch.

By 1968, Coon was assigned as Commanding Officer of the Service Division in charge of the Police Training Academy, responsible for all in-service recruit officer training, police radio communications equipment and personnel, and criminal identification procedures and related services.

In 1969, Gene Coon resigned from the Pittsburgh Bureau of Police to run for the office of Sheriff of Allegheny County. He was elected to his first term in November 1969, receiving 326,740 votes, the largest number of votes received by a candidate running for County Office. He took office in January 1970.

Sheriff Coon was re-elected to a second term in 1973, and to subsequent terms in 1977, 1981, 1985, and 1989.

In 1990, the International Police Association, (the largest organization of law enforcement officers in the world), inducted Gene Coon into the Police Hall of Fame, "in recognition of his exceptional and meritorious performance in the police and law enforcement profession."



INTRODUCTION

The Sheriff's Office In History

The history of the Office of Sheriff is really a history of man's self-government.

While some historians maintain that the Office of Sheriff derives from either the Roman proconsul, or the Arab Sharif, (nobleman), it is generally accepted that the Office goes back historically to Anglo-Saxon England, (A.D. 500-1066).

According to Anglo-Saxon custom, if someone broke the law it was not just a crime against the victim, but a crime against the whole community.

The Anglo-Saxon kings expected their subjects to keep good order, which they called "keeping the peace." A crime was an act against the peace and some of the more serious crimes were said to be "against the King's Peace." Eventually, the idea grew that all crimes were against the King's Peace.

Under Anglo-Saxon rule it was the duty of the citizens themselves to see that the law was not broken, and if it was, to catch the offenders. All the males in the community between the ages 12 and 60 were responsible for this duty.

They were organized in groups of about ten families, and each group was call a "tything": At their head was a "tythingman." Each member of the tything was held responsible for the good behavior of the others. Ten tythings were led by a "reeve."

If one member committed a crime, the others had to catch him and bring him before the court, or the "moot" as the Saxons called it.

If they failed to do so they were all punished, usually by paying a fine.

If anyone saw a crime he raised a "hue and cry" and all men had to join in the chase to catch the criminal and bring him before the court.

Under Alfred the Great, (A.D. 871-901), reeves began to be combined, forming "shires" or counties. Each shire was led by a reeve.

For minor offenses, people accused of crimes were brought before the local "folk moot." More serious cases went to the "Shire Court" which came under the "shire reeve," (meaning "keeper and chief of his county"), who came to be known as the Sheriff.

After the Normans conquered England in A.D. 1066, they adopted many Anglo-Saxon law-keeping methods, including the system of tythings, the use of the hue and cry, and the Sheriff's courts.

In A.D. 1085, King William ordered a compilation of all taxable property in a census, and decreed that the Sheriff was to be the official tax collector of the king.



In A.D. 1116, King Henry I established a new penal code. While the Crown reserved to itself the power to punish for violations of the penal code, it delegated to the Sheriff the power to investigate and arrest.

Through the next century, as the power of the king increased, so did the power of the Sheriff. During the Westminster Period, (1275-1500), the offices of "baliff" and "sergeant" were created to supplement the Sheriff. However, county government remained in the hands of the Sheriff.

By the year 1300, the Sheriff was the executive and administrative leader of the county. In addition to being the tax collector for the King, the Sheriff was head of the local military and was charged with assuring that the peace was maintained.

The Sheriff presided over the prisoners and the court, and his authority was unparalleled by any other county official.

When settlers left England to colonize the New World, they took with them many of their governmental forms. When the first counties were established in Virginia in 1634, the office of Sheriff in America began.

Maryland soon followed this pattern, and in both states the Sheriff was delegated the same powers as the Sheriff held in England.

As in England, respect for the Sheriff was strictly enforced by the law. A special seat was often reserved for the Sheriff in churches. Contempt against the Sheriff was an offense punishable by whipping. At this time, Sheriffs were responsible for both enforcing and punishing offenders.

By the time of the American Revolution, all of the colonies had Sheriffs. When the American frontier began to move westward, so did the Sheriff. The 19th century was the golden age of the American Sheriff, with characters like Wild Bill Hickok, Wyatt Earp, and Texas John Slaughter becoming a colorful part of American history.

Today, the office of Sheriff is found in every state in the Union. The Office of Sheriff was brought to the colony which would become the Commonwealth of Pennsylvania by Dutch and English colonists before the time of William Penn. The Office was constitutionally mandated by all five of Pennsylvania's Constitutions, in 1776, 1790, 1838, 1873 and 1967.

Throughout the years, the Sheriff in Pennsylvania has acquired many and varied responsibilities and obligations. The Sheriff acts in the capacity of peace officer, where his duty is to keep the peace and quell riots and disorders.

He has jurisdiction to make arrests anywhere in the county, to make searches of premises, and to seize items or property owned or used in violation of the law. He is called upon to remove certain nuisances, and he issues licenses to sell or to carry firearms.

While the Sheriff was originally the major, and sometimes only law enforcement officer in the county, other departments and offices developed which evolved into the present state police and local municipal police departments.



For the most part, these departments relieve the Sheriff of the primary duty of keeping the peace and maintaining law and order, although he retains his full powers to do so, and often assists the municipal police departments when they request such assistance.

The Sheriff is empowered to appoint deputies, and the deputies have the same powers as the Sheriff when performing their duties.

The Sheriff is also invested with the power of the "posse comitatus," (the power or force of the county), which is the power to call upon "the entire population of the county above the age of fifteen, which the Sheriff may summon to his assistance in certain cases, to aid him in keeping the peace, and in pursuing and arresting felons."

The Office of Sheriff in the Commonwealth of Pennsylvania is authorized and established by the Constitution of 1788 and the current revisions under which our State Government now operates. This Constitution provides that a Sheriff shall be elected in each county for a four-year term, and that his powers, duties and compensation be prescribed by law. The first election of a Sheriff in Allegheny County was held in 1789, and regular elections have been held every four years since that time.

The Sheriff is the chief law enforcement officer of the county. While most police work is now done by local and state police, the Sheriff's broad police powers authorize him and his deputies to make arrests for any and all violations of criminal statutes and ordinances.

The Sheriff is called upon during riots, prison breaches, strikes and other emergencies which are or may be a breach of the peace. In those instances, he is empowered to call upon all able-bodied male adults. The Sheriff's Office lends assistance to boroughs and townships in the case of any disturbance or emergency which their police department is inadequately staffed or equipped to handle.

Among the duties of the Sheriff are service of all writs issued by the Courts, transportation of prisoners to and from Court and between places of confinement, custody of prisoners during trials, and the summoning to duty of all Criminal Court and Civil Court jurors. The Sheriff also issues permits for firearms and conducts the sale of real and personal property at the request of litigants, including the City, County and State.

The Sheriff is also a statutory member of the Board of Prison Inspectors, (Prison Board).

The Allegheny County Sheriff's Office is staffed by 137 full-time employees, as follows: 1 Sheriff; 1 Chief Deputy Sheriff; 1 Solicitor, 1 Commander; 1 Captain; 5 Lieutenants; 13 Sergeants; 93 Deputies, 1 Manager of Constable Services, 7 Communications Technicians and 13 Clerical.

For the year 1993, the adopted budget of the Allegheny County Sheriff's Office is \$7,627,351.



THE SHERIFF'S DEPUTIES

Sheriff's Deputies are covered by Pennsylvania Civil Service Laws within the Second Class County Code. Once every three years, the Allegheny County Civil Service Commission tests applicants and thereafter certifies to the Sheriff a list of eligible deputy candidates. When vacancies occur in the force of Deputies the Sheriff selects replacements from this Civil Service eligibility list.

As a condition of continued employment, all newly-hired Deputy Sheriffs are required by the Sheriff to complete the Basic Police Training Course at the Allegheny County Police Training Academy, and thereafter to semi-annually complete 20 hours of in-service training classes on a variety of subjects. This is the same basic police training that all municipal police officers are required to take under the Municipal Police Officers' Education and Training Act, (Act 120).

The basic training course includes 44 hours of training in Law Enforcement operations, 81 hours of professional development, 99 hours of Criminal Law and Procedures, 30 hours on the Motor Vehicle Code, 40 hours on Patrol Procedures and Operations, 41 hours on Investigations, 30 hours on Communications, 13 hours on Handling Violent or Dangerous People, 20 hours on the Mechanics of Arrest, Searches and Transporting Prisoners, 48 hours of First Aid and CPR, 52 hours of Firearms Training, and 26 hours on the Operation of Patrol Vehicles. This amounts to 524 hours of basic training.

In addition to the Act 120 training, all Allegheny County Deputy Sheriffs attend an additional 40 hours of training at the Deputy Sheriffs' Training Academy at Dickinson School of Law in Carlisle, Pennsylvania.

Therefore, all Allegheny County Deputy Sheriffs receive a total of 564 hours of basic training.

Even prior to 1974, when mandatory training for municipal police officers began, the current Sheriff required his deputies to attend basic training at the State Police Academy in Hershey.

The Allegheny County Deputy Sheriffs are represented in collective bargaining by the Allegheny County Deputy Sheriff's Association, a bargaining unit formally recognized by the Pennsylvania Labor Relations Board.



THE COURTS DIVISION

The Courts Division functions are divided into five general areas:

1. Criminal Court
2. Family Court - Adult Section
3. Family Court - Juvenile Section
4. Orphans Court
5. Transportation



CRIMINAL COURT

It is the responsibility of Criminal Court to adjudicate all criminal charges brought in Allegheny County. The role of the Sheriff in the Criminal Court System is an important one. A Deputy Sheriff is assigned to each Courtroom, and has the responsibility of maintaining custody of incarcerated defendants who are required to appear before the Court.

In many cases more than one Deputy may be required to maintain security, depending on the particular circumstances of each individual trial. At times, as many as a dozen deputies have been assigned to a Courtroom.

This Division handled over 14,000 criminal defendants in 1992, and almost 52,000 criminal defendants over the past four years.

FAMILY COURT - ADULT SECTION

The Adult Section of Family Court has jurisdiction in family matters which involve such types of cases as non-support of spouses, indigent parents and children, complaints of custody or visitation rights, divorces and annulments and protection from abuse.

This area of the Court is a very sensitive one due to the nature of the circumstances which bring individuals to the Court. Emotions usually run high, and tempers are easily ignited in such an atmosphere. For this reason, Deputies assigned to this section are selected for their abilities to exercise tact and understanding in the performance of their duties.

Over the past four year period, the Family Division handled 89,967 non-support cases, 7,680 protection from abuse cases, and executed 3,696 non-support warrants.

Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives



FAMILY COURT - JUVENILE SECTION

This branch of the Court handles cases involving individuals under the age of 18. All Deputies assigned to Juvenile Court are selected for their abilities in handling juveniles, and they also receive specialized training in this area.

The Deputies are responsible for the transportation of in-custody juveniles between Shuman Center and the Court which is located on Forbes Avenue in the Oakland section of Pittsburgh. Along with maintaining the safety and security of all Court participants, Deputy Sheriffs also transport juveniles to and from various detention facilities throughout Pennsylvania.

The Juvenile Section handled 19,956 Juvenile Court hearings in 1992, and 73,342 hearings since 1989.

ORPHANS COURT

Under the Mental Health and Retardation Act, the Sheriff's Office is required to present before the Court individuals who are to be considered for court-ordered commitment to various hospitals or institutions. To insure the safe custody of these respondents, a male respondent is always accompanied by two specially-trained male Deputies. Female respondents are escorted by one female Deputy in addition to the male Deputies.

TRANSPORTATION DIVISION

The Transportation Division is responsible for transporting all Allegheny County prisoners to and from prisons, courts and hospitals throughout Pennsylvania. Trips are also made throughout the United States to return prisoners to Allegheny County for court trials or incarceration.

In conjunction with Allegheny County Jail officials' efforts to regulate population limits, the Sheriff's Office Transportation Division in recent years has experienced a drastic increase in the number of man-hours necessary to transport prisoners.

When jail population exceeds regulated standards, inmates are transported to neighboring counties, and subsequently returned to Allegheny County for appearances in court for sentencing, hearings, or trials.

In 1992, Transportation Division deputies made close to 10,000 trips and covered close to 1.2 million miles. During the last four-year period, they made 42,354 trips and logged 4.4 million miles.



WRITS DIVISION

This Division of the Sheriff's Office is responsible for the physical service of all writs. In order to effect efficient service of writs throughout the 745 square miles in Allegheny County, we have divided the County into eleven geographical districts.

Deputy Sheriffs are then assigned to particular areas and are delegated the responsibility of serving all writs issued for that area. When the work-load in any specific district is extremely heavy, the district Deputy may be assisted by additional personnel.

Each writ is numbered, starting with 1 at the beginning of each year, and ending with the number assigned to the last writ of the year. This is designated as the writ "Red Number". This number identifies the particular writ, but does not mean that there was only one service involved in that writ.



A writ can have as few as one, but as many as a thousand or more services under one "Red Number". Therefore, the actual services are usually 60 to 65 percent higher than the number of writs.

In 1992, Writ Division deputies logged over 780,000 miles while making 106,908 actual services.



REAL ESTATE DIVISION

This division has the responsibility of processing and docketing Civil Court papers such as divorces, trespass, and assumpsit actions, executions against personal property, and miscellaneous writs dealing with respondents and the transportation of prisoners. This division also has the duty of notifying by mail prospective jurors who are to serve in the Criminal and Civil Divisions of Common Pleas Court.

The Real Estate Division also collects and docketes the cash fees received by the Sheriff's Office for services performed. All fees collected are then transmitted to the Allegheny County Treasury. These fees constitute revenue to Allegheny County and offset the operating costs of the Sheriff's Office.

More than 370,000 actions passed through this Division in the past four years, 90,153 of them in 1992.

The cash fees for services which were collected and turned over to the Allegheny County Treasury totaled over 6.4 million dollars since 1989. Almost 1.6 million was generated in 1992 alone.



REAL ESTATE DIVISION STATISTICS: 1989 - 1992

	1989	1990	1991	1992
Juror Summons	63,245	64,700	62,245	64,204
Arbitration Docket	10,417	9,130	11,921	8,353
Civil Docket	6,910	7,081	7,854	7,651
Foreign Writs	9,161	8,131	4,670	4,967
Liens & Mortgages	1,754	1,922	1,934	1,803
Real Estate Executions	1,282	1,373	1,436	1,474
Miscellaneous Writs	824	1,056	909	589
Writs of Execution	707	770	0	0
Divorce Docket	64	106	60	265
TOTAL ACTIONS:	94,364	94,269	91,029	89,306

The Real Estate Division collects and docket the cash fees received by the Sheriff's Office for services performed. All fees collected are then transmitted to the Allegheny County Treasury. These fees constitute revenue to Allegheny County, and offset the operating costs of the Sheriff's Office. As the chart below shows, over the past ten years, the Sheriff's Office has turned over to the County Treasury more than 13 million dollars.

CASH FEES COLLECTED: 1983 - 1992

YEAR	CASH FEES
1983	\$757,537
1984	\$886,518
1985	\$1,129,435
1986	\$1,250,420
1987	\$1,475,959
1988	\$1,356,326
1989	\$1,349,017
1990	\$2,000,464
1991	\$1,508,816
1992	\$1,568,886
TEN YEAR TOTAL	\$13,283,378

Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives



PORT AUTHORITY PATROL

The Port Authority Section is primarily responsible for the safety and well-being of the drivers and passengers of the Port Authority Transit System. In addition, Deputies patrol PAT property to protect against theft and vandalism.

Sheriff's Office vehicles assigned to this detail are equipped with radio receivers which enable the Deputies to monitor radio transmissions on PAT radiophone frequencies and City Police channels. This system drastically reduces response time to emergency calls and calls for assistance.

The Patrol shifts are staggered in such a way as to provide peak hours for criminal activity. The Sheriff's Office PAT Patrol acts as an effective deterrent to crimes against PAT passengers, drivers and property.

Over the past four years, PAT Patrol Deputies have responded to close to 10,000 incidents and made close to 1,000 arrests. The statistics for 1992 are listed on the next page.

Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives



PAT PATROL OFFENSES - INCIDENTS: 1992

OFFENSE - INCIDENT 1992

Assaults on Passengers	9
Assault on Transit Vehicle Operator	4
Burglary	11
Conspiracy	4
Criminal Mischief	23
Disorderly Conduct	50
Disorderly Passengers	77
Driving Under the Influence	1
Drug Offenses	1
Firearms Offenses	8
Harassment	13
Intoxicated Passengers	56
Miscellaneous Offenses	184
Prohibited Offensive Weapons	2
Propulsion of Missiles	49
Public Drunkenness	101
Receiving Stolen Property	6
Reckless Endangerment	12
Robbery	13
Sex Offenses	2
Terroristic Threats	4
Theft of Property	16
Theft of Service	3
Transit Vehicle Escorts	24
Trespassing	14

Total Incidents 687

Total Summary Arrests 150

Total Misdemeanor Arrests 46

Total Felony Arrests 5

Total Arrests 201



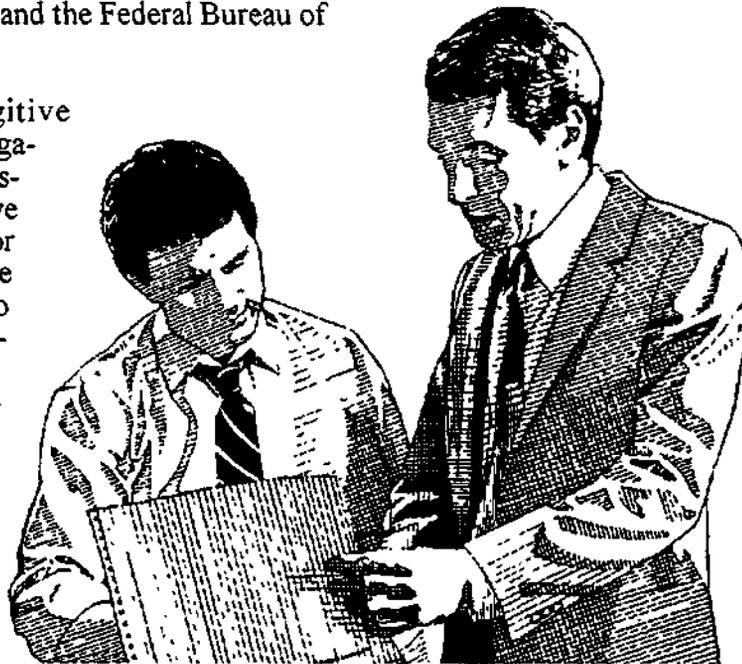
INVESTIGATION DIVISION

The Allegheny County Sheriff's Office Investigation Division handles a wide spectrum of investigative duties. This division primarily concentrates on executing warrants, locating and apprehending dangerous fugitives. However, other investigations have included threats to public officials, attempted abductions, or county jail prisoner escapes.

In addition to the basic and in-service training required of all Allegheny County Deputy Sheriffs, the personnel assigned to this division must successfully complete a series of specialized firearms training classes using semi-automatic weapons, as well as shotgun and revolver training courses conducted by the Sheriff's Office, City of Pittsburgh Police Department and the Federal Bureau of Investigation.

The Fugitive Squad of the Investigation Division executes warrants on individuals who have been apprehended for with which they have or who have failed to court hearings or tri-

Due to perceptions, and an average in excess of 8,000 Fugitive Squad on apprehending individuals charged with the most serious crimes such as murder, rape, robbery, since these perceptions pose the most serious threat to the community.



Squad section Division sued against either never the crime been charged, appear for als.

sonnel limita- age caseload warrants, the concentrates those indi- with commit- ous crimes, manslaughter- and burglary, sons pose the

Sheriff's Office Detectives also execute Foreign Warrants, or those warrants issued outside of Allegheny County, including those issued by other states for persons suspected of being in Allegheny County.

Since the Sheriff's Office instituted the Fugitive Squad concept in 1976, the number of fugitive warrant arrests has steadily increased each year, reaching a total of over 800 arrests in 1992.

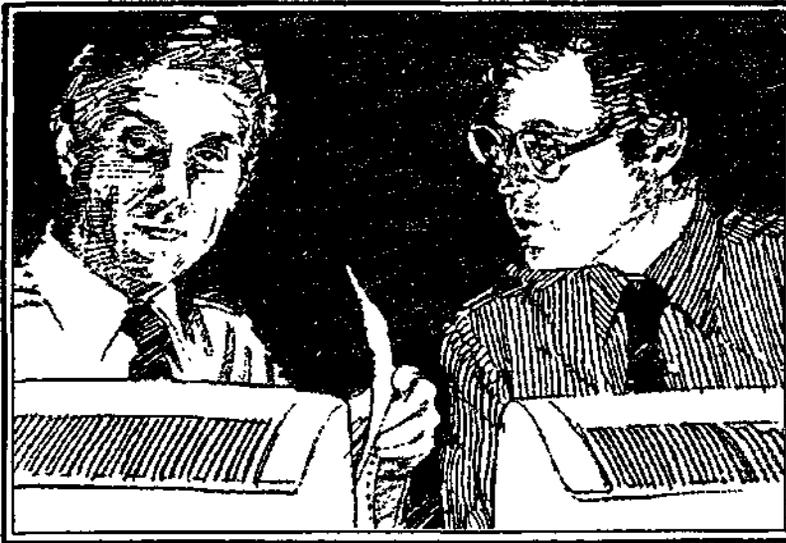
The Allegheny County Sheriff's Office Fugitive Squad also actively assists other Federal and State agencies in the apprehension of fugitives.

Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives



For example, in 1984, two Sheriff's Deputies were assigned for several months to FIST 7, the Fugitive Investigative Strike Team, which was a joint fugitive arrest operation funded by the Federal Government and made up of United States Marshal's Deputies, Allegheny County Sheriff's Deputies, City of Pittsburgh Police and members of the Pennsylvania State Police.

This operation, which encompassed an eight-state area, was the largest fugitive roundup in the history of the United States. In the Pittsburgh/Western Pennsylvania region, 306 arrests were made by the Fugitive Investigative Strike Team for crimes ranging from murder and rape to narcotics, robbery and weapon charges, among others.



Detectives from the Investigation Division have also served on the Allegheny County Joint Narcotics Task Force, and the Homicide Task Force.

The Narcotics Task Force consisted of Federal Drug Enforcement Administration (DEA) investigators, Allegheny County Deputy Sheriffs, City and municipal police officers functioning as undercover narcotics investigators.

The Homicide Task Force was formulated in response to a series of unsolved homicides occurring in Western Pennsylvania in the late 1970s. Deputy Sheriffs served as homicide investigators along with investigators from the State Police, the County Police and the District Attorney's Office. Through the joint efforts of the investigators from these agencies, the person suspected of committing the series of murders was identified. He is currently serving a series of consecutive life sentences in another state for offenses committed there.

In March 1989, the "Greater Pittsburgh Fugitive Task Force" was formed by various law enforcement agencies, headed by the Federal Bureau of Investigation Pittsburgh Office. This task force continues to include Deputy Sheriff Investigators from the Allegheny County Sheriff's Office.

The stated purpose of the formation of this unit was to better coordinate, and to handle more efficiently, the location and arrest of fugitive felons in the Pittsburgh area. Each of the agencies involved in the searching for fugitives provide manpower, equipment, and the expertise to hunt for such dangerous fugitives wanted by various law enforcement agencies in this area.

To date 2,310 fugitives have been located and apprehended by this task force, on charges ranging from homicide, kidnapping and rape, to extortion and drug dealing.

Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives



In the spring of 1992, the U S Department of Justice chose Pittsburgh, Pennsylvania to be a "demonstration site" for "Operation Weed and Seed". This initiative was proposed by the President of the United States to combine law enforcement activities with social service and urban revitalization programs, especially targeting the war on drugs.



Once again, the Allegheny County Sheriff's Office is contributing manpower and equipment from the Investigation Division to assist the Weed and Seed Task Force in locating and apprehending violent drug offenders ranging from major suppliers to street-level dealers.

To date, 221 actors have been arrested by this task force.

In describing "Operation Weed and Seed" Attorney General William P. Barr stated that, "Only an approach combining tough law enforcement with the economic and moral revitalization of high-crime areas offers the prospect of a safer America. One of the critical structural shortcomings of the past has been the failure to coordinate our social programs and integrate them with law enforcement. The challenge for the '90s is to deploy and focus both our law enforcement assets and our social resources—at the same time, at the same place, and the same mutually reinforcing way."

The Allegheny County Sheriff's Office is proud to be an effective participant in striving to meet this challenge.

INVESTIGATIONS AND ARRESTS: 1990, 1991, 1992

YEAR	TOTAL WORKED	CLEARED BY ARREST
1990	664	550
1991	605	471
1992	738	569
Totals	2,007	1,590

**Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives**



COMMUNICATIONS DIVISION

The Communications Division is a multifaceted computerized operation maintained by the Sheriff's Office Communication Technicians, all of whom are skilled in diverse areas of law enforcement technology. These areas include not only specialization in radio dispatch, but also extensive knowledge of both the N.C.I.C. (National Crime Information Center) and C.L.E.A.N. (Commonwealth Law Enforcement Assistance Network) computer systems which are vital to ensuring officer safety. The Communications Division operates 24 hours a day, 7 days a week, year-round.

The National Crime files for use in the daily operations including fugitive warrants, persons, securities, missing per-

All active criminal by the Allegheny County Pleas are kept on file in Sheriff's Office vision. Information N . C . I . C . , Public Safety System are essential identification pro- sion. Once the addi- is gathered, it is then person file.

When a pre- hended, the Com- works closely with Office to determine the cEDURE guarantees the re- who is apprehended outside vania.



Information System maintains a variety of tions of a modern law enforcement agency, stolen guns and vehicles, wanted per- sons, and criminal histories.

arrest warrants issued Court of Common the Allegheny County Communications Di- obtained from C.L.E.A.N. and the Records Management for completing the cess of a wanted per- tional identifying data entered into the wanted

wanted person is ap- munications Division the District Attorney's extradition status. This pro- turn of a fugitive from justice of the Commonwealth of Pennsyl-

In accordance with the Protection From Abuse Act, the Allegheny County Sheriff's Office is the central registry for all final Protection From Abuse Court Orders issued by the Family Division of the Court of Common Pleas. The orders and terms are recorded on the County Integrated Criminal Information Computer System (I.C.I.S), and a copy of the original order is kept on file in the Communications Division. This enables all law enforcement agencies within Allegheny County to access this crucial information at any given time.

Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives



By state law, the Sheriff's Office is responsible for performing a complete background investigation on all citizens of the county who seek to purchase a firearm, or who apply to the Sheriff's Office for a permit to carry a concealed weapon. This process is accomplished via N.C.I.C. and C.L.E.A.N.

The Communications Division has been consistently successful in assisting the Sheriff's Office Investigation Division, the Greater Pittsburgh Fugitive Task Force and the Weed and Seed Task Force with essential findings from the law enforcement computer systems. This data is received in an accurate and timely manner allowing for the detection and apprehension of wanted persons.

The Sheriff's communication center acts as an interface to N.C.I.C. for numerous offices, including the Allegheny County Courts, the District Justices, Constables, and the Allegheny County Jail.

Having the ability to enter and retrieve information through our nation-wide computer hook-up is an invaluable aid to the efficient operation of judicial services in Allegheny County.

The array of functions performed in the Communications Division has resulted in the continued safety and welfare of not only the Deputy Sheriff, but also the residents of Allegheny County.

COMMUNICATIONS DIVISION STATISTICS, 1992

Other Traffic - Messages Received	326,642
Other Traffic - Messages Sent	258,150
Criminal History Requests	70,966
Jail Lists	16,767
Firearm Purchases	17,493
Bureau of Motor Vehicle Inquiries	17,270
NCIC Entries: Wanted Persons	6,072
Criminal History Requests - Rap Sheets	7,714
Warrants Issued	5,665
Warrants Cancelled	5,067
Firearms Licenses - New	5,943
Firearms Licenses - Renewals	5,375
Warrants Cleared By Sheriff's Office	1,648
Other Traffic - Administrative	1,960
Protection From Abuse Orders	1,395
House Arrests	719
Total Volume	748,846



ASSISTANCE TO MUNICIPAL POLICE DEPARTMENTS



When a municipality hires a new police officer to fill a vacancy on its police department, it is required by law to send the new officer through a thirteen-week basic police training program.

Obviously, the police department will be short-handed for this thirteen-week period. Many of the smaller police departments find this to be a severe hardship. In such cases, the municipality may then request that a Deputy Sheriff be assigned to its police department for the three months that the police officer will be in training.

In some cases, such as where a police department wanted to send one of their police officers to optional training, such as the F.B.I. Academy or to other specialized classes, the Chiefs of Police have told us that, without our assistance, the officer would not have been permitted to attend such training.

Whenever it is possible for us to do so, we are pleased to be able to assist the municipal police departments in this manner.

(Attached to the end of this report is a representative sample of letters from Chiefs of Police requesting the loan of a deputy. We have on file letters requesting the loan of a deputy sheriff from virtually every Chief of Police from every city, borough and township in Allegheny County.)

When a deputy replaces a municipal police officer, he serves and functions the same as a municipal police officer would. He fills a shift and has all of the same duties and responsibilities that any other police officer would.



From the years 1974 through 1989, (the most recent year for which statistics are readily available), the Sheriff's Office expended 62,669 manhours in loaning deputy sheriffs to municipal police departments. This is an average of 3,917 man-hours per year.

These statistics do not include requests for *emergency* assistance. We do not keep statistics on the hundreds of hours each year that the Sheriff's Office responds to requests from Chiefs of Police for emergency assistance.

Emergency assistance frequently includes crowd control at concerts, sporting events and other large gatherings. It should not be overlooked, nor can it be overemphasized that these types of situations pose substantial danger of injury or even death to the local police officers trying to control or contain an unruly crowd, given their limited manpower.

There is little doubt, based upon the hundreds of incidents we have been called upon to respond to that we have been able to prevent serious injuries to police officers by being able to respond to their requests for emergency assistance.



COMMUNITY SERVICES AND CRIME PREVENTION

The Allegheny County Sheriff's Office is deeply committed to serving the residents of Allegheny County in as many ways as possible with the limited personnel of the department. It is our continued intention to provide the best possible service at the lowest possible cost without sacrificing the quality of such services.

The Allegheny County Sheriff's Office participation in Crime Prevention is quite extensive.

For example, Deputy Sheriffs certified as Crime Prevention Officers teach Crime Prevention to municipal police officers in their respective departments.

We also provide Crime Prevention programs, and technical assistance in setting up Crime Prevention programs, to numerous organizations, corporations and small and large businesses. These organizations include:

The Pennsylvania Commission on Crime and Delinquency; municipal police departments; all school districts in Allegheny County; Federal, State, County and Municipal agencies; the Allegheny County Housing Authority; the Allegheny County Center for the Victims of Violent Crime; the Allegheny County Police Training Academy; the Western Pennsylvania AAA Motor Club; hospitals; colleges; community-based Crime Prevention organizations; community clubs; organizations and associations, the Allegheny County Department of Aging, the Western Pennsylvania Safety Council, the Federation of Allegheny County Aging Service Providers, and the Boy Scouts and Girl Scouts of America.

Foremost among our many Community Relations/Crime Prevention programs is the Sheriff's Office "Billy the Talking Bicycle" program.

The Deputy Sheriff assigned to this program makes hundreds of appearances each year at schools throughout the County, speaking on all aspects of child safety and Crime Prevention.

Thanks to the generosity of several area corporations, these appearances feature a unique bicycle, specially equipped with multiple blinking lights and a speaker which is connected to a cassette tape player.

By changing cassettes, the program can be tailored to the age level of the audience. This system allows the bicycle, "Billy the Bike", to conduct the program with the "assistance" of a Deputy Sheriff. Brochures on bike safety, as well as ones on Crime Prevention in general, are given to the students to read and take home to their parents.

Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives



In addition, the Sheriff's Office conducts the Safety City Program at various shopping malls throughout the County. Consisting of miniature houses, traffic lanes, traffic signs, and signals, children are invited to ride tricycles through the Safety City streets while receiving instructions from Deputies on proper safety procedures and the meaning of signs, signals, and road markings.

While the children are riding through Safety City, parents are supplied with numerous brochures dealing with safety, covering topics such as child poisoning, First Aid in the home and many others.

On the average, more than 15,000 youngsters per year throughout the County participate in these programs. The demand and popularity of these presentations is evident by the large number of positive telephone calls throughout the year from teachers, parents and students.

Every year there are hundreds killed and hundreds of thousands injured in this country in accidents involving bicycles. The Sheriff's Office is doing its part in Allegheny County to instruct as many children as possible in safe bike-riding practices which can help avoid such mishaps.

In addition, the Sheriff's Office conducts several other programs on such topics as Drug Abuse Prevention, Child Abduction, Firearms Safety, Rape Prevention, and Crime Prevention. All of these programs are tailored for audiences of all ages and are presented to community organizations and schools throughout the year.

In recent years, we have expanded our efforts to develop Crime Prevention programs that are effective in reducing the incidence of crime through organized citizen involvement including the physically and mentally challenged.

In addition to specific programs on Home and Apartment Security, Personal Safety, Fraud and Bunco, Crime Prevention for Senior Citizens, and Corporate Crime Prevention Strategies, we assist municipal police departments who wish to establish Crime Prevention or Crime Watch Programs, and we assist the Allegheny County Housing Authority by conducting periodic security surveys of all Senior Citizen high-rises operated by the Authority.

Altogether, these programs provide many beneficial services to all segments of Allegheny County residents of various age groups on a broad range of Crime Prevention and safety topics.

Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives



THE SHERIFF'S RESERVE

The Allegheny County Sheriff's Reserve is yet another example of an important community service provided to all the citizens of Allegheny County by the Allegheny County Sheriff's Office.

The Sheriff's Reserve is a well-trained, efficient, standby unit, ready and able to assist the Sheriff's Office in emergency situations. Since 1971, this organization has become a reserve law-enforcement unit unsurpassed by any similar component in the Commonwealth of Pennsylvania.



The Sheriff's Reserve consists of approximately 270 men and women who volunteer their time when needed, and who purchase on their own all of their uniforms and equipment. The operation of this unit costs the taxpayers of Allegheny County nothing. They come from all walks of life and from all parts of Allegheny County.

Each member must pass a thorough personal examination, undergo extensive training and purchase his or her own uniforms and equipment. Training consists of a rigid police training curriculum administered by certified professionals.

The Sheriff's Reserve is most visible to the public at parades and ceremonial functions. A contingent of motorcycles and other vehicles manned by

Reserve personnel are to be found at many parades throughout the year.

In cooperation with the Coast Guard and the Fish and Game Commissions, Sheriff's Reserve Patrol Boats assist in the maintenance of order and safety procedures on the three rivers during Regattas and other river-related activities.

Testimony of Allegheny County Sheriff Eugene L. Coon
Before the Judiciary Committee of the Pennsylvania House of Representatives



Reserve personnel also assist the Sheriff's Office in conducting numerous public educational programs held in various communities year round. Bicycle Safety, Dangerous Drugs, Weapons Awareness and Hunter Education are but a few of the presentations designed to provide educational services to the public.

By far the most extensive activities of the Reserve in terms of man-hours are the crowd-control services provided to local communities and to charitable organizations. This assistance at carnivals, festivals, parades and other special events not only assures an added measure of public safety, but also in many cases frees the use of local police officers for normal duties.

Many small communities would not be able to handle such events without this assistance, and could certainly not afford the cost in man-hours of the services which the Sheriff's Reserve provides free of charge.

The man-hours involved in Reserve endeavors has nearly tripled since 1980. In recent years, Reserve Deputies have averaged close to 20,000 man-hours per year providing services to communities in virtually every part of Allegheny County.

While the citizens of Allegheny County derive numerous benefits from the activities of this organization, the Allegheny County Sheriff's Reserve is a totally self-supporting unit which costs the taxpayers nothing. It is completely volunteer, and all funds spent are those of its members.

ATTACHMENT A

**Representative samples
of letters from
Chiefs of Police
requesting assistance
from the
Allegheny County
Sheriff's Office.**

City of Pittsburgh



DEPARTMENT OF PUBLIC SAFETY

RALPH D. PAMPENA
Chief of Police

Pennsylvania

Gateway View Plaza
1600 West Carson Street
Pittsburgh, PA 15219
(412) 255-2814

May 3, 1989

Sheriff Eugene Coon
Allegheny County Court House
Room 111
Pittsburgh, PA 15219

Dear Sheriff Coon:

I would like to take this opportunity to thank you for the assistance you provided at the Grateful Dead Concert. As you know from the news accounts of the incident, the event was out of hand for a brief time and put our officers at risk. Our original call for additional help was monitored by your personnel, and, as usual, they were on the scene within minutes ready to help in any way possible. In addition to their initial response, they remained on the scene with our personnel until the detail was secured.

This is a perfect example of the long-standing cooperation between the Sheriff's Office and the Pittsburgh Bureau of Police. Please convey my personal thanks to Chief Deputy John McNamara and to the sergeant and deputies who responded.

Sincerely,



RALPH D. PAMPENA, CHIEF
Pittsburgh Bureau of Police

RDP/jsv

City of Pittsburgh



Pennsylvania

October 24, 1974

DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE

Robert E. Colville
SUPERINTENDENT

Assistant Superintendents

Ralph Yovetich
Albert L. Mills
Robert J. Coll
James P. Curran

Eugene Coon, Sheriff
Sheriff's Office
County of Allegheny
Room 111, Courthouse
Pittsburgh, Pennsylvania 15219

A/S #200-74

Dear Sheriff Coon:

I am writing to express my appreciation for the cooperation afforded the Homicide Section of the Pittsburgh Bureau of Police by Sergeant Oatneal and Deputies Al Leone and James Ward.

On October 22, 1974, a teletype bulletin was put out on a one Delores Smith and her automobile. This subject was wanted for the shooting-murder of Donald Mitchell. Your deputies recognized the car in question on the evening of October 22, 1974, stopped this car and apprehended the subject.

It is most encouraging to see this type of cooperation displayed and we look forward to a continued relationship in all areas of mutual concern.

Very truly yours,

Robert J. Coll, A/Superintendent
Investigations Branch

sab

~~Handwritten scribble~~

1-28-89
1-29-89 -
1-30-89 -

~~Handwritten scribble~~

~~Handwritten scribble~~

**Borough of Blawnox
Police Department**

GEORGE P. BUCHA
CHIEF OF POLICE

January 9, 1989

376 Freeport Road
Pittsburgh, PA 15238
Office: (412) 828-4141
Radio: (412) 961-0600

Honorable Sheriff Eugene L. Coon
Allegheny County
Room 111 Court House
Pittsburgh, Penna. 15219

Dear Sheriff Coon:

The Blawnox Police Dept. has been working for the pass ten (10) weeks without a day off due to the fact a police officer whom we hired August 1988 terminated his employment as a police officer in November 1988. This leaves us with a Chief(myself) and two (2) police officers to work the three daily shifts seven days a week without any days off.

The Mayor and Council are in the process of interveiwing the other remaining candidates from the civil service list of April 1988 to see if they can fill the police officer position. If none of these people are picked then it would be April 1989 before civil service tests would be given for the police officer position.

In the past we have called on you for assistance and I feel it is necessary to ask for your help again. If possible Gene I would appreciate for now a Deputy Sheriff to work two(2) days a week Saturday and Sunday. This would allow for the time being one of the three officers to have off a weekend off until we see what direction Boro Council is taking in hiring a police officer. Gene if by some chance we have to wait until April 1989 for Civil Service to retest I would be getting back to you and would most likely be requesting a Deputy Sheriff five days a week to work our regular police schedule until a police officer is hired.

Thanking you in advance for any consideration you can give us in this matter.

Sincerely

Handwritten signature of George P. Bucha

George P Bucha
Chief of Police

L.T.H.
This is ok -



J-2-8-89

Avalon Police Department

BOROUGH OF AVALON
640 California Avenue
AVALON, PITTSBURGH, PENNSYLVANIA 15202

Telephone
761-0352

J

February 7, 1989

Sheriff Eugene Coon
Room 111
County Courthouse
Pittsburgh, PA. 15219

Dear Sheriff Coon:

Once again I must request assistance from your department. A new officer will be attending the Police Academy beginning February 14 for the required thirteen weeks. One of our senior officers had shoulder surgery January 31 and his length of recuperation may run into two or three months.

Could a Deputy Sheriff be assigned to us for the thirteen week period? Your immediate attention to this matter would be greatly appreciated. Thank you.

Sincerely,


John J. Downey
CHIEF OF POLICE

JJE:mmh

Ray Hobart Mickles

5-17

CRAFTON BOROUGH POLICE DEPARTMENT



PITTSBURGH, PENNSYLVANIA 15205

Phone: 921-2014

April 10, 1989

Eugene L. Coon, Sheriff
County of Allegheny
Court House
Pittsburgh, Pa. 15219

Dear Sir:

I would like to take this opportunity to express my thanks and the thanks of the entire department for the use of Deputy William Hershberger during the period of my absence. By having Deputy Hershberger here we were able to avoid overtime and maintain our usual rotation allowing the men to have their regular pass days and shifts.

As has been the case in the past, Deputy Hershberger proved once again that he is totally professional and readily adapted to our routine and our personnel. Deputy Hershberger had served our department in the past, and once again did his outstanding job for our department and our community.

It is a pleasure to know that Deputy Hershberger was, and we hope is available to us. Please express our gratitude and thanks to him for a job well-done.

Thanks for your assistance. If we can be of service to you or your department, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Harold A. Rost, Jr." with a stylized flourish at the end.

Harold A. Rost, Jr.
Chief of Police
Borough of Crafton



Borough of Green Tree

Police Department

978 Greentree Road • Pittsburgh, Pennsylvania 15220

John R. Bonassi
MAYOR

Telephone: (412) 921-1110
(412) 922-3600

Timothy P. Logue
CHIEF OF POLICE

August 18, 1988

Sheriff Eugene L. Coon
Allegheny County Sheriff's Office
111 Courthouse
Fifth and Grant
Pittsburgh, PA 15219

Dear Sheriff Coon:

I would like to take this opportunity to thank you and the members of your Police Department that responded to our request for assistance on Tuesday, August 16, 1988 at the Parkway Center Complex. The situation, in my opinion, was extremely volatile. We had approximately 110 construction workers from two (2) different unions at odds with each other, armed with such items as chains, boards with nails through them, hammers and pipes.

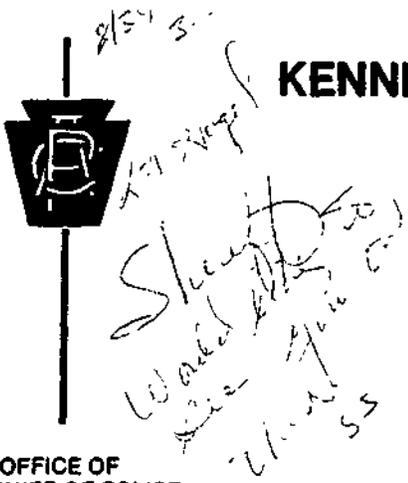
Without the assistance of the Departments on our radio hook-up, I do not believe that the confrontation could have been resolved as it was; peacefully, with no one being injured.

On behalf of the Mayor, members of Council and our Police Department, I would again like to thank you and hope some day we may be of assistance to your Department and Community.

Yours truly,

Timothy P. Logue
Timothy P. Logue, Chief
Green Tree Police Dept.

TPL/nr



KENNEDY TOWNSHIP POLICE DEPARTMENT

340 Forest Grove Road, Coraopolis, Pa. 15108

OFFICE OF
THE CHIEF OF POLICE
331-8184

August 29, 1988

Sheriff Eugene Coon
County Court House, Room 111
Pittsburgh, Pa. 15219

Dear Sheriff Coon,

I am requesting a Deputy Sheriff to cover Kennedy Township on September 9, 1988.

Kennedy Township officers are scheduled to qualify on the firing range at the Police Academy on this date.

If possible, I would appreciate Deputy Richard Fersch for the detail. Deputy Fersch has assisted Kennedy Township on numerous occasion's and is familiar with our streets and residents. Deputy Fersch is also an excellent officer and is a credit to your department. Please advise as soon as possible if you are able to comply with my request.

Sincerely,
Samuel J. Karpa *sf*
Chief Samuel J. Karpa

~~Richard Fersch~~
~~Deputy~~
Deputy ~~Richard Fersch~~ *Muehle*



STOWE TOWNSHIP

POLICE DEPARTMENT

STEPHEN HOMER - Chief of Police

1301 ISLAND AVENUE • McKEES ROCKS, PENNSYLVANIA 15136

PHONES: (412) 331-4010 / 331-4011 / 331-4012

*clerk
paid OK
8/25/88*

August 24, 1988

Sheriff Eugene Coon
Allegheny County Sheriff's Office
Room 111 Court House
Pittsburgh, Pennsylvania 15219

Dear Gene,

I am requesting the use of one (1) of your Deputy Sheriff on Friday, September 16, 1988 to work the 8:00 a.m. to 4:00 p.m. shift so that the members of the Stowe Township Police Department can go to the Allegheny County Police Academy to qualify on the Firing Range.

[Handwritten signature, possibly Eugene Coon]

Thank You,

[Handwritten signature of Stephen Homer]

Stephen Homer
Chief of Police

SH/rs

*Wep
McKees
Crummie*

8/25/88

Carla

TOWNSHIP OF WEST DEER
POLICE DEPARTMENT
DONALD SIMONETTI - CHIEF
Phones Office 265-1100 Radio 443-7844
MUNICIPAL BUILDING
BOX 2, Russellton, PA 15076

J 5/12/88

~~*A/erat
Hugel*~~

May 6, 1988

Sheriff Eugene L. Coon
Room 111
Pittsburgh, Pa. 15219

Dear Sheriff Coon:

This Department is requesting the assistance of Sheriff Jerry Hanlon on May 20, 1988 to cover our 3 p.m. till 11 p.m. shift.

All of our Officers will be attending the Police Academy for firearms qualification. Sheriff Hanlon has assisted this Department many times and is very familiar with the Township. This will be a vital asset to us while we are at the Academy.

Please get back to me as soon as possible in regard to this.

Thanking you in advance,

Don Simonetti
Don Simonetti, Chief
West Deer Police

/mam

*OK
5/11/88*

*A/capt
1/10/88*

J. 4-20/88



**RICHLAND TOWNSHIP
BUREAU OF POLICE**

**DONALD G. LOFGREN
CHIEF OF POLICE**

**MUNICIPAL BLDG., 4011 DICKEY ROAD
GIBSONIA, PA. 15044**

**TELEPHONE
Emergency: 443-7844
Office: 443-7848**

April 15, 1988

Sheriff Eugene L. Coon
111 Court House
Pittsburgh, PA 15219

Dear Sheriff ~~Coon~~, *Gene*

I have received the honor of acceptance to the National Academy by the Federal Bureau of Investigations training program. I must report to Quantico, Virginia on June 26th, and I will graduate September 9th.

Richland Township has never had an officer granted acceptance to this program. I, as well as the Richland Township Board of Supervisors, are looking forward to this training, and value my attendance at this program.

My absence is going to present a problem in providing adequate scheduling for shift coverage. In addition, scheduling problems will be compounded by attempting to facilitate vacation leave and possible unforeseen absences such as sick time.

I wish to request, and would greatly appreciate if you could provide us with a replacement patrol officer for this eleven week time period. We have received assistance from the Sheriff's Office on many occasions, but we have never requested assistance for such an extended period. I am hopeful you can accommodate this request.

In addition, if you are able to assist us on this matter, I would like to request Deputy Sheriff Jerry Hanlon. Jerry is familiar with the area and has expressed an interest in working this detail. However, if you are unable to assign him, I am confident in any individual you would assign to us.

Thank you for your consideration on this matter and I shall await your reply.

Sincerely,

Donald G. Lofgren
Chief of Police

DGL:msn



BOROUGH OF MOUNT OLIVER

(INCORPORATED NOVEMBER 9, 1892)

County of Allegheny - State of Pennsylvania

MUNICIPAL BUILDING - 150 BROWNSVILLE ROAD
PITTSBURGH, PENNSYLVANIA 15210

Council Meets Third Monday of Each Month



January 2, 1978

*1 Memo
Contact
CPT
M*

*J
1/10/78*

Sheriff Eugene Coon
Sheriff's Office
Court House
5th & Ross Sts.
Pgh., Pa. 15219

Dear Sir:

Recently, in the Borough of Mt. Oliver, we have had some vandalism on a rather large scale in the business district at night. This vandalism is being caused by some very defiant juveniles in the area. The glass damage is concentrated in a certain area where they can hurl rocks or red bricks and disappear up a side alley to an adjoining street. They have rocks on the roofs in some areas which they seem to control and have even broken out two windows in the Police Van while the officers were inside. Also, pellet guns were used to shoot out the windows in the Borough Building.

Our present force consists of nine men, including the Chief of Police. Therefore, this limits our ability to handle the situation.

We would like some assistance from your Department if you have men to spare between 10:00 P.M. to 2:00 A.M. in the area. Just a visible patrol vehicle would make these vandals realize that we are not alone in our efforts to apprehend them.

Saturday, December 30, 1978, we had a very serious confrontation between our police and these vandals.

Sincerely yours,

John V. Hindmarch
John V. Hindmarch
Chief of Police

FLC
Thompson Smith, Mayor

COUNCIL

Richard E. Jackson, President
Henry Witas, Vice-President
William Adamsky
George Bubash
Robert G. Jenetz
John Patronic
William B. Ward Jr., Esq.

MW

528-1111

325-4052

Hilda A. Uiss, Secretary

Borough of Blawnox

Allegheny County

376 FREEPORT ROAD

BLAWNOX, PITTSBURGH, PA. 15238

January 5, 1976

Zappala & Zappala, Solicitor

The Senate Company, Engineers

~~George P. Bucha~~, Chief of Police

George Bucha

J. 1/6/76

[Signature]

1/11/76 - 29

Honorable Sheriff Eugene L. Coon
Allegheny County
Room 111 Court House
Pittsburgh, Pennsylvania 15219

Dear Sheriff Coon:

Recently Michael J. Belotti, Chief of Police of Blawnox Borough Police Department retired from his position and left a vacancy in our department.

This retirement has caused a serious problem in the work schedule of our policemen in Blawnox Borough. Normally we have a four man police force. This enables us to have a man working each of the three daily shifts and one man off duty. However, with only three police officers we must work seven days a week with no time off.

The Mayor and Borough Council have appointed me Chief of Police and they are making every effort to hire a new police officer as soon as possible. I expect the new police officer to be hired by the middle of February.

In the past we have called on you for assistance and I feel it is necessary to ask for your help again. I would appreciate the service of one of your deputies until a new police officer is hired and can be partially trained by working shifts with our veteran police officers. I feel sure the hiring and training of this man would not exceed March 1, 1977.

Thank you in advance for any consideration you can give us in this matter.

Sincerely,

George P. Bucha

George P. Bucha
Chief of Police

GPB:hu

RA
FRASSETT
JURAN

~~1-10~~

CAPT
M

JF-14-86

DEPARTMENT OF PUBLIC SAFETY
BOROUGH OF ETNA

437 BUTLER STREET ETNA, PGH., PA. 15223
Phone: 961-0600 — 781-6271

Anthony Damiano
Mayor
Gabriel Pagliaro
Chairman of Police
Ronald Harris
Chief of Police

August 7, 1986

Sheriff Eugene Coon
Allegheny County Sheriffs Dept.
Allegheny County Court House
Grant St.
Pgh. Pa. 15219

Km
1:11 PM
SPM

Dear Gene,

On September 3, 1986 I have a patrolman starting the Police Academy for his mandatory training.

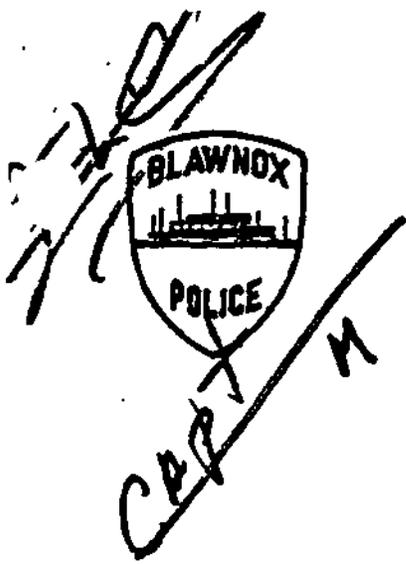
I would consider a great favor if you would assign one of your deputies to assist my department during this period.

She/don

Fraternally yours,
Ronald C. Harris
Ronald C. Harris
Chief of Police

P.S. The Etna Borough Council is presently drafting a proclamation, thanking you for your help during the May 30, 1986 flood.

I personally however thank you, the fine men under your command, for a job well done.



Borough of Blawnox Police Department

GEORGE P. BUCHA, CHIEF OF POLICE

March 24, 1983

J
3/25/83
1

376 FREEPORT ROAD
PITTSBURGH, PA. 15238
(412) 828-4141

OK
3/25/83

Honorable Sheriff Eugene Coon
County of Allegheny
Room 111 Courthouse
Pittsburgh, Pennsylvania 15219

Dear Sheriff Coon:

The Allegheny County Police Academy have scheduled a "Breathalyzer Operator" course at the Academy and my two (2) officers are scheduled for the course on June 6-10, 1983 from 9:00 A. M. to 5:00 P. M. daily. Gene, it is important for me to have these officers certified as Breathalyzer Operators to elliviate me having to call an off duty officer out during the middle of the night to run the Breathalyzer machine. With two (2) men going to the Academy, that only leaves myself and another officer to work the five (5) days at twelve (12) hrs. per day while these officers are attending classes.

Gene, what I'm asking of you once again, is that if you could assist me by having one of your Deputy Sheriff's work the 3:00 P.M. - 11:00 P.M. shift from June 6 thru June 10, 1983.

Thanking you in advance Gene, for any consideration you can give me in this matter.

Sincerely,
[Signature]
George P. Bucha,
Chief of Police

GPB:hu

Part 1

OFFICE PHONE
782-1403

POLICE RADIO
961-0600

O'HARA TOWNSHIP
Department of Public Safety
POLICE DEPARTMENT

SUPERINTENDENT OF POLICE
RAYMOND A. SCHAFER, JR.

325 FOX CHAPEL ROAD PITTSBURGH, PA. 15238

J
4/19/77

April 19, 1977

Sheriff Eugene Coon
Allegheny County
Pittsburgh, Penna. 15219

Dear Sheriff Coon:

I am requesting the assistance of one Deputy for my department from July 10th, 1977 through September 25th, 1977.

I have been accepted to attend the F.B.I. National Academy during this time.

Your help in the past has been most appreciated.

Thank you,

Raymond A. Schaffer Jr.
Raymond A. Schaffer, Jr.
Superintendent of Police

Man?

CPT M

EARL K. GRABENSTEIN
Superintendent of Police



Ross Township

Department of Public Safety

J
5/18/79

MUNICIPAL BUILDING
Perry Highway and Center Avenue
Pittsburgh, Pa. 15229
Phone: 366-7600

May 2, 1979

Sheriff Eugene Coon
Allegheny County Court House
Pittsburgh, Pennsylvania 15219

Dear Sheriff Coon:

I am writing in regard to a situation presently existing in our Township that was discussed in detail yesterday, May 1, 1979, between Captain Nick Manno of your office and Lt. Guthrie of this department.

Undoubtedly, Captain Manno has informed you of a near riot situation we were confronted with last Saturday night (Sunday morning) when a very large disorderly crowd, holding a beer party, was repeatedly ordered to disperse. Upon their refusing, we requested assistance from the Pittsburgh Police Department and were informed they were not permitted to respond. It then became necessary to request all available assistance from surrounding communities. The end result being an injured officer, damage to a police vehicle and threats made on an officer and his family's life. As a result, it has become necessary for us to furnish around-the-clock police protection for the officer and his family.

There is a possibility of another large party within the next couple week-ends as we have received information to that effect, and we have no intentions of allowing this type of a situation to repeat itself.

If it should become necessary for us to request assistance from your department, I would appreciate all the available manpower that you would be able to provide.

With warm regards,

Earl K. Grabenstein
EARL K. GRABENSTEIN
Supt. of Police

EKG:pam



PORT AUTHORITY OF ALLEGHENY COUNTY
Beaver and Island Avenues
Pittsburgh, Pennsylvania 15233
(412) 237-7000

November 18, 1986

Mr. Eugene L. Coon
Sheriff, Allegheny County
Court House - Room 111
Pittsburgh, PA 15219

Dear Gene:

Since January 1, 1986 to present date, there were twenty-four Port Authority Operators assaulted while on duty.

Due to excellent police work of the Deputy Sheriffs and Port Authority Police, there were twenty-six arrests for these assaults. All cases were cleared by arrest on each assault.

Just wanted to make you aware of the professional work being done by your deputies. They work and have excellent rapport with Port Authority Police and all other municipal police officers.

Thank your men for a job well done. We work well together.

Sincerely,

Richard J. Ehland
Chief of P.A.T. Police

RJE/lis

cc: Chief McNamara
Mr. Paul P. Skoutelas

Director of Corporate Services.



EMSWORTH POLICE DEPARTMENT

171 CENTER AVENUE
EMSWORTH, PITTSBURGH, PA. 15202

Office of Chief of Police

June 27, 1972

Sheriff Eugene Coon
County Court House
Pgh. Pa. 15219

Dear Sheriff Coon:

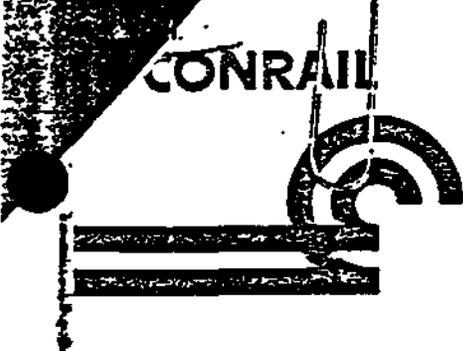
I want express the appreciation of the Boro Of Emsworth and myself for the assistance rendered by the men from your office during the recent flood emergency. On Friday, June 23, approximately 5' of water on the Ohio River Boulevard (Rt 65), made it necessary to close the road and detour traffic over local streets. I called Captain Manno and requested two men to work traffic detail on the midnight to 8:00 A.M. shift. Deputys William Bailey and Ron Schuster reported here and spent a chilly, wet, miserable night directing traffic. This gave our Police, both the regular men and the Auxillary, a chance to get some needed rest and start fresh on Saturday.

Fortunately, the water receded and by 10:00 P.M. Saturday, we were able to re-open the highway and no furthed assistance was needed. Again, I would like to say Thanks, and remain

Sincerely,

Herman Pappert Jr.
Herman Pappert Jr.
Chief of Police

Handwritten scribbles and initials at the bottom right of the page.



CONRAIL

May 26, 1987

RE: C#1540-87 File: I-

Mr. Eugene L. Coon
Sheriff
Allegheny County
111 Courthouse
5th & Grant Street
Pittsburgh, PA 15220

Dear Sheriff Coon:

On April 8, 1987, at approximately 1600 Hours, a Conrail train reported several juveniles throwing stones at new automobiles being transported in the consist of the train as it passed through the Homewood section of Pittsburgh.

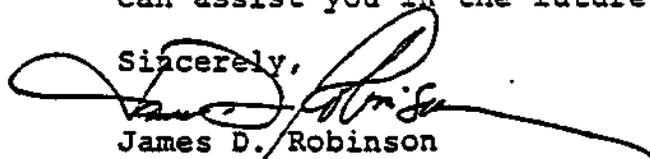
A Conrail Police Officer responded and spotted the youths walking away from the area and attempted to apprehend them. The youths fled and the Allegheny County Sheriff's Department was contacted for assistance since the area is boarded by the Allegheny County Port Authority Busway.

Deputy Sheriff M.J. Scherbanic responded and assisted in the capture and transportation of one of the youths. During questioning in the presence of the youth's mother, he admitted to the vandalism and identified the second juvenile. Deputy Scherbanic assisted the Conrail Officer and proceeded to locate and question the second actor.

Due to Deputy Scherbanic's assistance and cooperation, criminal charges of Criminal Trespass and Criminal Mischief were lodged against the juveniles and restitution in the amount of \$500.00 for broken windows is being requested.

Please express to Deputy Scherbanic my sincere gratitude for his professional assistance and obvious concern. His actions and quick response reflect most favorably upon the entire Allegheny County Sheriff's Department. If there is any way our department can assist you in the future, please feel free to contact me.

Sincerely,



James D. Robinson
Superintendent-Police
Conrail Police Department
15 N. 32nd Street
Philadelphia, PA 19104
(215)596-2029

cc: Mr. Joseph F. O'Neill- Director-Police

MONROEVILLE — A Home Rule Charter Municipality

2700 MONROEVILLE BOULEVARD • MONROEVILLE, PA. 15146-2398 / (412) 856-1111



"RESIDENTIAL RESEARCH CENTER OF THE NATION"

John A. Danzili, Jr.
Public Safety Director

John Garofolo
Chief of Police

March 13, 1987

Allegheny County Sheriff's Department
ATTENTION: Eugene Coon
Grant Street - First Floor
Pittsburgh, PA 15219

Dear Sheriff Coon:

I would like to take this opportunity to extend my sincere thanks and gratitude to the Allegheny County Sheriff's Department and to all the police officers from your department responding to the incident at the Howard Johnson's Motor Lodge on March 7, 1987.

Your quick response in coming to the aid of the Monroeville Police Department during a potentially dangerous situation is truly appreciated by me personally, the Public Safety Director and of course, all officers involved with the situation.

Again, thank you for your support and I am sure that this incident will be a reminder that team work is advantageous to all concerned.

If, in the future, I can be of service to you or to your department, please do not hesitate to call upon me.

Yours truly,

MONROEVILLE POLICE DEPARTMENT

A handwritten signature in cursive script, appearing to read "John Garofolo".

John Garofolo,
Chief of Police

JG/rj

OFFICE PHONE
782-1403

POLICE RADIO
961-0600

O'HARA TOWNSHIP
Department of Public Safety
POLICE DEPARTMENT

SUPERINTENDENT OF POLICE
RAYMOND A. SCHAFER, JR.

325 FOX CHAPEL ROAD PITTSBURGH, PA. 15238

February 4, 1976

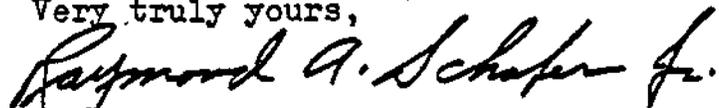
Sheriff Eugene Coon
Allegheny County
Pittsburgh, Pennsylvania 15219

Dear Sheriff Coon:

I want to call your attention to the excellent urgent assistance we received from two of your men, Deputy Brasso and Deputy Juran, on Monday, January 26, 1976 regarding the tragic brutal double murder in O'Hara Township.

You have a relieved feeling knowing that there are men of high calibre such as Robert Brasso and Sam Juran available to give emergency assistance when needed to smaller departments such as mine. Thanks to a great Allegheny County Sheriff Department.

Very truly yours,



Raymond A. Schafer, Jr.
Superintendent of Police

RAS, Jr./rw

cc: Robert Brasso
Sam Juran

JOSEPH M. KLETCH
CHIEF OF POLICE

Area Code 412
831-6855



MUNICIPALITY OF BETHEL PARK
POLICE DEPARTMENT

5100 West Library Avenue
Bethel Park, Pennsylvania 15102
Telephone 833-2000

September 25, 1986

Eugene L. Coon, Sheriff
Allegheny County
Court House - Room 111
Pittsburgh, Pennsylvania 15219

Dear Sheriff Coon:

I am writing this letter to express my gratitude and to compliment two (2) of your Officers who assisted us in solving a major theft in Horne's Department Store at South Hills Village.

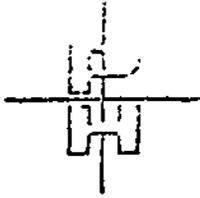
Detectives, Sgt. John Best and James Tully exhibited a professional attitude and demeanor throughout this investigation and without this determined effort this case would probably still be listed as open in our files.

I want to thank you personally for providing us with such excellent back-up personnel and, as always, it is a pleasure to work with the Members of your Department. If I can be of any assistance to you, please don't hesitate to call.

Respectfully,


Joseph M. Kletch
Chief of Police

JMK:iv



Township of PENN HILLS

MUNICIPAL BUILDING

12245 FRANKSTOWN ROAD • PENN HILLS, PA. 15235

412 795-3500

BOARD OF COMMISSIONERS

WILLIAM H. MCCHESENEY, JR.
President

CHARLES L. WILLIAMS
Vice President

ALVIN S. MERRILL

RONALD E. GRINDER

ROGER SEBASTIAN

JOHN T. BRADY

WILLIAM J. PATELLOS

JOSEPH T. LEPOVSKY

ALFRED C. IRELAND

June 14, 1971

Sheriff Eugene Coon
Court House
Ross Street
Pittsburgh, Pa. 15219

Dear Sheriff Coon:

The Board of Commissioners of the Township of Penn Hills wishes to express its gratitude and sincere appreciation for the outstanding duties that your officers performed during the school crisis. We are in hopes that this letter of commendation can be duplicated and made a part of their respective personnel jackets.

We commend the officers for their outstanding professional approach to police security, protection, their knowledge of their profession and their restraint and exceptional control during a very tedious, trying and nerve-wracking situation. These men have shown a true professional approach to police work.

To all those responsible for helping us, we are truly grateful.

Sincerely,

William H. McChesney, Jr.
Acting Township Manager

m

c: Lt. Joseph Blazeovich
Lt. Louis Manno

COUNCILMEN
WILLIAM A. LINN, SR., President
JOHN HAMILTON, Vice President
Jack Davis
Robert McKelvey
Frank Miller
Carolyn Sakas
William Wallace

HOWARD E. THOMPSON, Mayor
DUANE SEESE, Chief of Police
DONALD E. GADD, Treasurer
THOMAS BARLOW, Tax Collector
RUTH KANTNER
Secretary and Wage Tax Collector
466-5200

RICHARD ZELEZNIK, Solicitor
207 Richland Avenue
Dravosburg, Pa. 15034
A. J. POSTELLON, Engineer
1726-A Lincoln Highway
North Versailles, Pa.

BOROUGH OF DRAVOSBURG

POST OFFICE BOX 37

DRAVOSBURG, PENNSYLVANIA 15034

Council Meets: Second Monday of each month at 7:30 p.m. Municipal Building, McClure Street

August 21, 1974

Sheriff Coon
Courthouse
Pittsburgh, Pa.

Dear Sheriff Coon:

I would like to thank you for the assistance
you gave us during the recent riots in the
Borough of Dravosburg.

Sincerely,



Howard E. Thompson
Mayor



PHONE
OFFICE 766-6164

Borough of Bellevue

537 BAYNE AVENUE

BELLEVUE, PITTSBURGH, PENNSYLVANIA 15202

September 8, 1987

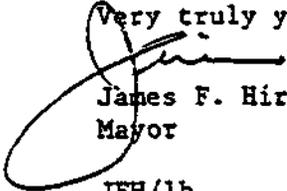
Sheriff Gene Coon
Allegheny County Courthouse
Pittsburgh, Pa. 15219

Dear Gene:

On behalf of the other elected officials of Bellevue Borough and other citizens and officials of the North Boroughs, please accept my sincerest thanks for your efforts to help us address the traffic problem on Ohio River Boulevard. While police agencies of the North Boroughs assess the situation and conditions with State officials, the presence of your officers and the inherent publicity have caused the drivers using Ohio River Boulevard to exercise caution and care. Caution and care are so needed on this dangerous roadway.

You and your department have always been responsive to the concerns and needs of the North Boroughs. We thank you again for your assistance as we face the solving of this problem.

Very truly yours,



James F. Hirsch
Mayor

JFH/lb

cc: Bellevue Council
Bellevue Police Chief
Avalon Mayor, Council and Chief
Ben Avon Mayor, Council and Chief
Emsworth Mayor, Council and Chief
Kilbuck Township Supervisors and Chief
The Pittsburgh Press North
The Post Gazette North
The Citizen
Suburban Life



Chief of Police
JOHN J. DOWNEY

Avalon Police Department

BOROUGH OF AVALON
640 California Avenue
AVALON, PITTSBURGH, PENNSYLVANIA 15202

Telephone
761-0352

September 9, 1987

Sheriff Eugene Coon
Allegheny County Courthouse
Pittsburgh, PA. 15219

Dear Sheriff Coon:

Please accept my sincere appreciation for your support and assistance with the patrol of State Route 65, the Ohio River Boulevard.

The presence of your men and vehicles has helped greatly to slow the speeders on this roadway.

Thank you again for your immediate response to the concern of Avalon Borough and the other municipalities along Ohio River Boulevard.

== :

Sincerely,

Nicholas J. Grande
Mayor, Avalon Borough

NJG;mmh

