

# **Pennsylvania Coalition Against Domestic Violence**

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## **Pennsylvania House of Representatives House Bill 466**

**House Judiciary Committee Meeting held on February 21, 2008**

*Testimony presented by Ellen Kramer Adler on behalf of the  
Pennsylvania Coalition Against Domestic Violence*

Thank you for the opportunity to testify before you today. My name is Ellen Kramer Adler and I am the Director of the Legal Department at the Pennsylvania Coalition Against Domestic Violence (PCADV). PCADV is a private, nonprofit organization of 61 member programs serving the citizens of Pennsylvania in each of its 67 counties. This statewide network of programs is dedicated to ending domestic violence and helping victims and their children regain physical safety, personal autonomy, and economic self-sufficiency.

On behalf of the Coalition and its member programs, I am here today to highlight for you what PCADV believes to be an important opportunity to use this legislative effort to enhance community safety and to provide critical protections for victims of crime throughout the Commonwealth of Pennsylvania. Accordingly, PCADV supports the enactment of House Bill 466 to the extent that it would clarify the arrest powers of duly elected county sheriffs and their deputies in the Commonwealth. We agree that legislation is required in light of the Supreme Court's *Kopko* decision, which raised significant questions as to the scope of authority that they hold. Victim safety is of paramount concern in our work with victims of domestic violence and in our collaborative efforts to support other victims of crime. For that reason in particular, we believe that the proposed amendments to Title 42 Section 2921, granting sheriffs and their deputies the power to execute an arrest without a warrant, are essential.

We note at the outset that Pennsylvania's Protection From Abuse Act, found at 23 Pa. C.S. §6101 et seq., already grants sheriffs arrest powers in the context of enforcing Protection From Abuse Orders of Court. Sheriffs have the authority to arrest the defendant for a violation of a protection order without a warrant. Sheriffs are also charged with taking possession of a

defendant's firearms when the court has ordered relinquishment in conjunction with the entry of a protection order. Further, a sheriff may search and seize any firearms the defendant may have in his possession when the sheriff arrests the defendant for violation of the Order if a firearm was used during the violation of the order or during prior incidents of abuse. The sheriffs have exercised these powers, which were enacted in November 2005 with the passage of an omnibus package of amendments to the Protection From Abuse Act, with considerable consistency and professionalism. The ultimate impact is an increased availability of a law enforcement response, and victims' assurance that the uniformed law enforcement official on the scene has the power and authority to respond to the fullest extent necessary to secure their safety, including the arrest of the perpetrator. By increasing the available law enforcement response, these amendments to PFA law have gone a long way to enhance the safety of victims of domestic violence and their children and hold offenders accountable for their acts of violence.

The enforcement of protection orders has been successful in this Commonwealth in part based upon a concerted effort by PCADV, in collaboration with the Pennsylvania Sheriffs Association, to ensure that training and resource materials are delivered to sheriffs and their deputies in all 67 counties. Acknowledging the importance of training in this regard, we would recommend that the language found in Section 2921 (b) of the bill predicating warrantless arrest powers on the successful completion of "the same type of training" as municipal police officers be amended to require the SAME training as that provided to municipal police officers. Comparable duties demand an investment in the same resources available to each, as well as demonstration of the same knowledge and skills, and that would be especially critical with regard to mandated training.

Further, PCADV attributes the success of the exercise of arrest powers pursuant to the Protection From Abuse Act to the collaborative efforts that are underway in every county in Pennsylvania. Through county Criminal Justice Advisory Boards, STOP teams, Policy Boards and the like, representatives of local law enforcement, prosecutors, the courts and victims services agencies have come together to develop and enhance protocols that ensure a seamless delivery of community and victim protections that include arrest and law enforcement procedures. We note this only to suggest that the concept of collaborative identification of jurisdictional issues is not new to our Pennsylvania counties and, given the mandate and the opportunity, the counties can well address and resolve the questions of jurisdiction that are raised by my colleagues who are opposed to this bill today.

On behalf of the Pennsylvania Coalition Against Domestic Violence, I once again thank this Committee for this occasion to testify. We urge you to seize this opportunity to further strengthen protections for victims of crime in this Commonwealth by ensuring as a matter of law that Pennsylvania sheriffs and their deputies are empowered to make warrantless arrests for all crimes and offenses as defined in our law. Such a declaration is soundly within the public interest to protect the safety of Pennsylvania's citizens.