

Pennsylvania Chiefs of Police Association

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Testimony of the Pennsylvania Chiefs of Police Association To the House Judiciary Committee Regarding HB 466 February 21, 2008

Good Afternoon. My name is Amy Rosenberry and I am the Executive Director of the Pennsylvania Chiefs of Police Association. I am joined at the table by Chief Tom Armstrong, the Association's legislative committee chair and 3rd Vice President and Chief Jim Childs, the Association's education and training committee chair and 2nd Vice President. The Pennsylvania Chiefs of Police Association is a professional organization of chiefs of police and other executives of police, public safety and private law enforcement organizations from across the Commonwealth. The Association has more than 1500 members and promotes the professional and personal development of its members through innovative services, training, peer counseling and networking.

Thank you for this opportunity to participate in the hearing regarding House Bill 466. The Pennsylvania Chiefs of Police Association strongly opposes HB 466, which would grant Deputy Sheriffs the same powers as municipal police officers to make warrantless arrests, if they have received the **same type** of training as municipal police officers. It is our position that this legislation is flawed for several reasons, one of the most critical being wording in the Bill requiring only "the **same type** of training" as municipal police officers. Municipal police officers in the Commonwealth must adhere to specific guidelines, which have been legislated and are managed by the Municipal Police Officers Education and Training Commission (MPOETC). Municipal police officers must successfully complete an established curriculum at one of several certified police academies located across the state, and must then pass a certification examination administered by MPOETC. Examples of some of the key differences between MPOETC requirements for municipal police officers and Deputy Sheriff Training requirements include; the Deputy Sheriff Training program provides no training in search and seizure, no training regarding the rules of evidence, substantially less criminal investigations training than MPOETC requirements for municipal officers, and no training regarding how to conduct vehicle stops. This is not to say that their training is not worthwhile or good training, it simply is not municipal police training and not acceptable as a substitution to perform the same duties.

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Amy Rosenberry
Executive Director

Additionally, municipal police officer candidates who successfully complete the academy must then apply for certification, only after successfully being screened in a number of other areas, including psychological exam, a physical exam, physical agility testing, a background investigation, criminal history check, credit examination, and personal interviews. Municipal police officers must be United States citizens, cannot have been convicted of a serious felony or serious misdemeanor, must undergo a drug screening, and must meet audio and visual acuity specifications as established by MPOETC. For Deputy Sheriffs there is no US citizenship requirement, background check requirement, no convicted felon or serious misdemeanor exclusion provision, no drug screening requirement, no specific visual and audio specification requirement and no requirement for successfully passing a psychological examination in order to receive certification.

MPOETC regulations also have enumerated reasons and a process for revocation of the certification of municipal police officers. There is no such enumerated process regarding deputy sheriff de-certification.

Municipal police officer candidates who cannot successfully pass the legislated screening and testing are not eligible for certification, cannot become certified police officers and cannot exercise the powers and authority of a municipal police officer.

In order to maintain certification, minimally, municipal officers must attend annual mandatory training updates as developed and established by MPOETC. And, as I previously mentioned, municipal police officers are also subject to de-certification for a variety of reasons, including arrest and conviction for certain offenses, through MPOETC.

To grant deputy sheriffs the same arrest powers as municipal police officers, because they attend similar or the **same type** of training, would be a mistake and a disservice to the citizens of this Commonwealth and to all certified police officers who have successfully completed the mandated training program and screening process that the legislature and MPOETC has established in order to become municipal police officers.

To afford deputy sheriffs, the same authority as municipal police officers without requiring them to undergo and adhere to the exact same, **not similar or same type of**, training requirements and testing, certification and decertification requirements, including psychological, physical and background examinations and investigations is, very bluntly, in our opinion a huge mistake.

Last August, representatives from several law enforcement and other stakeholder organizations began meeting with the House Judiciary committee legal staff to discuss this issue and to try to come to a consensus before legislation was introduced. Those organizations in attendance at the meetings included; the Sheriffs Association, the District Attorney's Association, the County Commissioners Association, the Fraternal Order of Police, the Pennsylvania State Police, the American Civil Liberties Union, and others.

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While I have touched only on the issues of concern regarding similar training and the lack of defined certification/de-certification processes for deputy sheriffs, some of the other issues raised at those meetings included authority, jurisdiction, oversight, county input, costs and fees. to name a few. I will defer discussion of additional concerns to my colleagues from the other organizations and stakeholders who have or will be testifying before you on this issue.

Quite frankly, the Pennsylvania Chiefs of Police Association was quite surprised to see that, while numerous critical and very valid problematic issues were discussed at the meetings attended by representatives of the Sheriffs Association, they have apparently chosen to ignore them and instead have directed their efforts behind a legislative initiative which attempts to address a very important and complex issue with a very simply written solution which is flawed.

An important point to be made is that in the media, the police and others are being made to look like bullies who are just trying to hold back the sheriffs for "turf war" reasons. This is hardly the case. Sheriffs in Pennsylvania have a critical and important role in the criminal justice system as officers of the courts. They struggle to meet those needs just as we all do in these difficult times. Often times, police officers are called upon to fulfill some of those functions due to the limited staffing and hours of operation of the office of the Sheriff. How can enlarging the authority, and thereby the responsibility of the office of Sheriff, address this situation? The office of the Sheriff and their Deputies provide a vital service to the citizens of the Commonwealth in its present configuration that is uniquely different from that of the police officer. While we would happily recommend increasing the ability of the sheriffs to meet their existing obligations, we cannot justify or support expanding the configuration as we believe this will not serve the best interests of the citizens of the Commonwealth of Pennsylvania.

As you consider the testimony and other information being presented to you regarding HB 466, I would urge you to look beyond the simple solution being presented by those who are supporting this Bill. The issue is much more complex than what is contained in this proposed legislation.

Thank you again for affording us the opportunity to present the position of the Pennsylvania Chiefs of Police Association regarding this very important issue.