

**DEPUTY SHERIFF'S ASSOCIATION of PENNSYLVANIA
&
NORTHAMPTON COUNTY DEPUTY SHERIFF'S ASSOCIATION**

**REMARKS PRESENTED IN TESTIMONY BEFORE THE
HONORABLE MEMBERS OF THE JUDICIARY COMMITTEE OF
THE PENNSYLVANIA HOUSE OF REPRESENTATIVES
CONCERNING HOUSE BILL 466
FEBRUARY 21, 2008**

Good afternoon Chairman Caltigirone, Chairman Marsico, Sponsoring Representative Dally, and Honorable members of the committee.

Thank you very much for this opportunity to address you regarding our input on HB 466, currently before your Honorable Committee for consideration.

While it is impossible to address all of the factors leading up to this proposed legislation regarding Sheriffs in Pennsylvania in just twenty minutes, we will do our best to highlight some information for the committee.

I am Sergeant David Ruberry of the Northampton County Sheriff's Department. I am a sworn, certified Deputy Sheriff in and for the Commonwealth of Pennsylvania, and have served in that capacity for some 17 years now.

During this same time, I have also been involved as a member, a committee member, and a County Representative of the Deputy Sheriff's Association of Pennsylvania, on whose behalf I appear here today. Additionally, I serve as the president of the Northampton County Deputy Sheriff's Association, and while I am not speaking for the FOP in this matter, I am an active member of the Fraternal Order of Police here in Pennsylvania for some years.

While you will most certainly hear from many and varied parties on this matter, covering the entire gamut of opinion I'm sure, I am here to represent the approximately 2,500 dedicated men and women who faithfully protect and serve the citizens of our Commonwealth as sworn, certified, Deputy Sheriffs every day. I am one of those people.

These are the people who daily, make sacrifices and place themselves in harms way to protect and serve the citizenry of the Commonwealth to the best of their ability.

These are the people who preserve the peace and enforce the law across the Commonwealth.

These are the people who preserve, protect, and defend the Constitutional right to keep and bear arms in the Commonwealth, while at the same time working to insure that legal requirements and safeguards for the citizenry are adhered to by investigating and licensing individuals and/or dealers to conceal, carry, and/or sell firearms.

These are the people who daily investigate, track, and apprehend criminals, felons, and fugitives.

These are the people who daily, serve and enforce many and varied orders of court for protection from abuse, child custody, weapons confiscation, removal and placement of dependant children, protection and possession of property, child support, injunctive relief, etc., etc..

These are the people who daily protect the Judges, Officers of the Court, and all members of the Commonwealth's Judicial Branch of government, to include all those in the greater "court family."

Honorable Members of the Judiciary Committee... These are the people, who, without any exaggeration, quite literally **RISK LIFE** and **LIMB**, and **BLEED** and **DIE** in the performance of these duties for you and all the citizens of this Commonwealth.

(See attached exhibit "A" – *"In The Line of Duty - Officer Down in Chester County"*, courtesy PSA's *"The Pennsylvania Sheriff"* magazine.)

(See attached exhibit "B" – *"In The Line of Duty – In Memory of Bradford County Sheriff Deputy Mike VanKuren and Deputy Chris Burgert"*, courtesy of PSA's *"The Pennsylvania Sheriff"* magazine.)

With regard to the bill before you for consideration here today, these are the people whose lives and safety are most directly affected. Deputy Sheriff's are the dedicated public servants who actually discharge all these duties, and more, *"where the rubber meets the road"* so to speak.

(See attached exhibit "C" – *Governor Rendells' Commendation* to Warren County Sheriffs' Deputies for capturing/arresting NY cop killer.)

These are the people I am honored and privileged to represent and advocate for, here before you today.

To start out with, while it pains me to have to say, my 17 years experience as a Pennsylvania Deputy Sheriff have proven and taught me that we must acknowledge there are, so called, "Sheriff haters" at work here in our Commonwealth.

It is a sad, sad commentary to have to acknowledge that there are those individuals and/or groups in the Commonwealth, who would attack and undermine the Office of Sheriff at every opportunity.

These are dishonorable people, lacking integrity, who strictly for their own ends and perceived personal or professional advantage, would attack and undermine the oldest law enforcement officers in the Commonwealth. While these individuals may proffer all manner of acceptable sounding "spin", containing ostensibly plausible "explanations," "reasons," "concerns," "issues," etc., in opposition to this legislation... please do not be lulled into accepting or substituting such "spin" in place of factual reality.

As just one example of this disingenuous media management "spin," all one has to do is look at the titles or headlines of some of the recent newspaper articles addressing this proposed legislation... "House to address EXPANDING Sheriff's authority"... "Proposed legislation to GIVE Sheriff's new powers"... etc..

In reality, the fact of the matter is that we are asking you to enact this legislation as a RESTORATIVE measure. We are asking for this legislation to CLARIFY the Sheriff's long standing, pre-existing, power and authority, and to defeat these repeated ATTACKS and nefarious efforts to REDUCE or LIMIT the Sheriff's power and authority.

If we look at the actual facts of the situation, we find that Sheriff's were, and are, the ORIGINAL law enforcement officers of the Commonwealth. They came along with our entire body of common law and legal system.

Long before the inception of statutorily created municipal police forces across the state, or the creation of the Pennsylvania state constabulary (now

PSP), the Sheriff's of the Commonwealth were preserving the peace, enforcing the law, and protecting the citizenry.

My own County of Northampton was established in 1752, and along with it, the Office of Sheriff of Northampton County.

The oldest warrant in our county archives is actually SO old, that it commands the Sheriff of Northampton County to arrest the within named offender in the name of the king. (Actually even pre-dating the inception of the nation!)

The first Northampton County Deputy Sheriff killed in the line of duty was Deputy Nathan Ogden, who was shot to death on January 20, 1771 during the performance of his duties.

(See attached exhibit "D" – *"First Northampton County Deputy Killed In The Line of Duty"*, courtesy of William Hillanbrand.)

In the case of Northampton County, the Sheriff was actively and continuously preserving the peace, enforcing the laws, and protecting the citizenry for some **153 years** prior to even the initial establishment of the PSP in 1905!

So, the factual reality "on the ground" was/is that the Sheriff has performed the full spectrum of his/her law enforcement duties from the very inception of the Commonwealth. (and even before!)

As time went on, the Commonwealth saw the statutory creation of various municipal police forces, as well as that of the Pennsylvania State Police, along with various and sundry other specific law enforcement agencies, all subsequent to, and in addition to, the Sheriffs of the Commonwealth. The Sheriffs, as the original common-law enforcement officers continued in their roles as before.

Over the ensuing years, some Sheriff's Offices (more than happy to share or shift the burden of law enforcement with/to these newly established law enforcement agencies,) seemed to almost "retreat" into only those areas where they were commanded by the court to perform.

It should also be clearly noted that some other Sheriff's Offices did not. Some of the other Sheriff's Offices retained much, if not all of their law enforcement duties, and some Sheriff's Offices continue to be active as "full service" law enforcement up to the present day.

As time progressed, one of the challenges to the authority of the Office of the Sheriff occurred in 1993. In a court case known as “Commonwealth vs. Leet”, the Pennsylvania Supreme Court ruled on the matter of the Sheriff’s authority and power. In several quotes from that case we read;

“We hold, however, that the common law powers of the Sheriff... have not been abrogated by statute or otherwise.”

“Indeed, such powers are so widely known and so universally recognized that it is hardly necessary to cite authority for the proposition.”

“Thus, we search the statutes for authority abrogating the common law power of the Sheriff, rather than statutory authority for the Sheriff to enforce the law – authority he has always possessed under common law.”

“In short, it is not necessary to find a... ..provision granting to Sheriffs the power to enforce the code – Sheriffs have had the power and duty to enforce the laws since before the Magna Carta; rather, it would be necessary to find an unequivocal provision in the code abrogating the Sheriffs power in order to conclude that the Sheriff may not enforce the code.”

And thus the Supreme Court disposed of the question of Sheriff’s authority and power in the case at hand.

The “Sheriff haters,” having apparently been stymied by the Supreme Court in the matter of Sheriff’s **authority**, were not to be undone. Once again, in 1998, they engineered a challenge to the Office of Sheriff, this time in the matter of **training**. In a subsequent case known as “Commonwealth vs. Kline,” the anti Sheriff forces now claimed that Sheriff’s Deputy training under “Act 2”, was not applicable, and that only those law enforcement officers certified under “Act 120” (The Municipal Police Officers Education and Training Act) could enforce the law. In several quotes from that case we read;

“We agree with the Commonwealth that... requiring certification pursuant to Act 120 is erroneous.”

*“In Leet, we did not require that Sheriffs complete Act 120 certification... Rather we held that Sheriffs must complete the same **type** of training as municipal police officers...”*

“We noted our knowledge of the Deputy Sheriffs Education and Training Act... and the fact that it should be considered by the court when making its

determination of whether Gibbons had completed the appropriate law enforcement training.”

And thus, the Supreme Court disposed of the question of Sheriffs’ training in the case at hand.

The Committee should also be aware, that as a result of a legislative overhaul of the old Deputy Sheriffs’ Education and Training Act (1984-2), and it being updated by the new Deputy Sheriffs’ Education and Training Act (1998-10), the training for Pennsylvania Deputy Sheriffs was vastly improved, and is now unquestionably effectively equivalent to (or better than,) the municipal police officers training under Act 120.

The Commonwealth now has a complete and professional Deputy Sheriffs’ Basic Training Curriculum. Under the auspices of the PCCD and the Deputy Sheriffs’ Basic Education and Training Board, the Temple University Department of Criminal Justice developed, and the Pennsylvania State University, Justice and Safety Institute delivers and operates an excellent Deputy Sheriff Basic Training Academy at State College. I can personally attest to the members of the Committee as to the top quality training delivered at this academy.

Currently, to my knowledge, the MPOETC Act 120 course consists of some 750 hours of training, while the DSETB Act 10 course consists of 760 hours.

(See attached exhibit “E” – ***“Deputy Sheriffs’ Basic Training Curriculum Summary”***, courtesy Deputy Sheriffs’ Education and Training Board.)

Unfortunately, not to leave any stone unturned, the “Sheriff haters” yet again challenged the Office of Sheriff in the year 2000. In a Superior Court case known as “Commonwealth vs. Lockridge,” they challenged the Sheriff’s ability to prosecute/file cases on “information received.” They seized upon wording in the “Leet” case that made reference to “breaches of the peace” and “on view” arrests, and attempted to turn that into some sort of prohibition against Sheriff’s being able to file any actions other than “on view” offenses for “breaches of the peace.”

The Superior Court disposed of this attack upon the Office of Sheriff by referring to the provisions of the rules of criminal procedure regarding filing complaints upon information received, and dismissed the “breach of the peace” argument as, quote; *“illogical”* and *“devoid of merit.”*

If the members of the Committee are getting tired of this chronology of repeated attacks that the "Sheriff haters" have launched again, and again against the Office of Sheriff... imagine having to **live** through it all as a Sheriff or Deputy!

The "Sheriff haters" who attack and challenge the Office of Sheriff at every opportunity have not, and will not desist.

In 2004, in a case known as "Miller vs. Kopko," the court now seemed to develop "judicial amnesia" and reverse itself in opposition to the *stare decisis* of "Leet". In this case, the court determined that Sheriff's and their Deputies were not statutorily authorized to attend electronic surveillance training conducted by the state police, because the Wiretap Act specifically referenced the need to be "Act 120" trained in order to be authorized, and that Sheriff's and their Deputies were not statutorily authorized to investigate the "predicate offenses" for the Wiretap Act.

Needless to say, we were all now very confused, and not at all sure what exactly happened to the court's prior reasoning in Leet. Previously, (in Leet,) the court had asserted that the Sheriff did not need specific statutory authority to exercise his/her pre-existing power to enforce the law. Rather, they had said that specific statutory abrogation was needed to deny the Sheriff the exercise of his/her authority to enforce the law.

In yet another decision, in a case known as "Commonwealth vs. Dobbins", the court once again acted against *stare decisis*, and reversed itself with regard to it's own prior reasoning. In this case, the court looked for statutory authorization of the Sheriffs' power and authority, as opposed to the previously stated statutory abrogation of the Sheriffs' power and authority.

Things have now gotten SO bad, that in my own county, several defendants that violently erupted in open court and had to be subdued/arrested/removed, actually appealed their conviction at trial to the Superior Court, partially on the basis that the Deputy Sheriffs had no authority to protect the court and subdue/arrest/remove them!

Thankfully, in this case known as "Commonwealth vs. Love," the Superior Court stated;

"There is no question that Deputy Sheriffs are law enforcement officers possessing the power to enforce the laws."

“The law enforcement powers of Sheriffs and their Deputies derive from the common law and have remained unabated to this day, unless specifically and narrowly limited by statute.”

So, all of this, (and more,) has brought us to where we are, here and now, today. It’s a confused and confusing mess!

Even forgetting for the time being about the “legal limbo” that some of these opposing court decisions may leave us in... there is a **very real danger** for Deputy Sheriffs in this whole legal quagmire!

Due to many factors, such as incomplete and erroneous news reporting, or the intentional “stirring of the pot” by those I refer to as “Sheriff haters,” we have all manner of “stories” abounding about the power and authority (or lack of same) of Pennsylvania Sheriffs and their Deputies.

Although I am a sworn, certified, law enforcement officer... a Sergeant of over 17 years... possessing very considerable advanced law enforcement training and certifications... sworn as a Special Deputy U.S. Marshal, and a Special County Detective... a professional law enforcement instructor... etc... etc...

I have actually had subjects/defendants tell me and my fellow Deputy Sheriffs... “you can’t do that!”... “you’re not a cop!”... “get your hands off of me!”... all because of some knot head... reporting erroneously a partial line, or incomplete concept that he/she read in some court opinion, or maybe was deliberately “dis-informed” in comments by some other knot head that’s one of our “haters,” etc...

The bottom line is, that now, as a result, I or one of my fellow 2,500 Deputy Sheriffs, may now be in some violent, physical confrontation, rolling around on the ground, trying to subdue a subject who refuses to submit, and actively, violently resists arrest... all because he/she heard/read about this whole controversy somewhere that Sheriffs “aren’t cops” and... “they can’t do that!”

We respectfully ask you to support HB 466 in order to provide the necessary legislative clarification and relief in this matter.

We are aware that you may hear from certain elements of the District Attorneys Association in opposition to this legislation.

We respectfully suggest that there is no issue between the Office of Sheriff and the Office of District Attorney. We are all aware of our respective roles and recognize the power and authority of the Office of District Attorney and respect their dedicated work on behalf of our citizens.

Clarifying the power and authority of the Office of Sheriff in no way impinges upon the power and authority or prerogatives and privileges of the Office of District Attorney.

We are aware that you may hear from certain elements of the CCAP, in opposition to this legislation.

We respectfully suggest that there is no issue between the Office of Sheriff and the offices of elected officials of county government who are responsible for financial and budgetary affairs.

Clarifying the power and authority of the Office of Sheriff in no way impinges upon the County Commissioners, County Councils, or County Executives in discharging their responsibilities to authorize and control county budgets and finances.

As we experience increasingly dangerous times in our society... with sad and tragic stories of random violence such as shootings at schools, malls, and college campuses... and we are all looking to **increase** the number of law enforcement officers available to protect and serve our citizens... does it make any sense at all to effectively **decrease** the ranks by de-authorizing an existing pool of some 2,500 well trained, already equipped, sworn, certified law enforcement officers serving the Commonwealth as Deputy Sheriffs?

While there is more to discuss than present time will allow, we will close our remarks for now and offer to answer any questions that members may have.

Thank you again to the Honorable Members of the committee for your kind attention and for allowing us to address you concerning your consideration of HB 466.

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EXHIBIT "A"



In the Line of Duty

Officer Down in Chester County

Sheriff Carolyn Welsh vividly relates the story of what happened on that fateful day, July 24, 2003, when her Office received the call "Officer Down!"

The morning of Thursday, July 24th, 2003 began routinely at the Chester County Office of the Sheriff with roll call, announcements, designation of courtroom assignments, and transports. The deputies assigned to civil process were out on the road. The day that started like many others, however, would turn out to be anything but normal. This would be a day never to be forgotten.

The Administrative Captain and I had a meeting scheduled at 10 A.M. with the Chester County Human Resources Director to discuss the pressing need to

address compensation issues for the deputies. We were conferring about the training requirements needed to be a deputy sheriff in the Commonwealth of Pennsylvania and the ever-escalating dangers of the job. We were planning what was needed to recruit and retain qualified, competent and professional personnel.

Sgt. John Freas, a civil supervisor, came to the open door, and motioned he needed to see me. Sgt. Freas informed me that two deputies, James Boyd and Joseph Smida were at a scheduled eviction in East Marlborough Township Chester County. The occupant of the house was reluctant to communicate with the deputies.

Two weeks earlier, Deputy Boyd had been to the East Marlborough residence

and had informed the owner, Mr. Rosengarth, that eviction would take place on July 24th for failure to pay back taxes. Rosengarth had given indication of a problem, nor had shown any anger or hostility at that time. On this day, however, the deputies at that location were unable to communicate and had called for a supervisor to respond. Sgt. Freas had interrupted that meeting to tell me that he and Sgt. Edward Clemens were going to that location to see if they could reason with Mr. Rosengarth.

As Sgt. Freas departed, I continued to explain that this was the type of situation that was truly unknown. It further emphasized the importance of proper training and professional personnel. This was the perfect example of what we had been discussing in our meeting, and

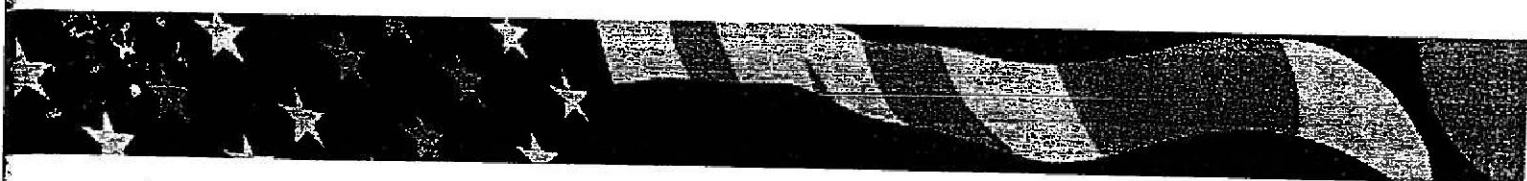


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It is the mission of CCAP Insurance Programs to assist counties and county related entities to protect their employees, clients, their property, and financial assets, and the general public which use their facilities.

- PCoRP - The Pennsylvania Counties Risk Pool
- PIMCC - The Prison Inmate Medical Cost Containment
- PComp - The Pennsylvania Counties Workers' Compensation Trust
- BEST Flex - Benefit Solutions That Are Flexible
- Volunteers - Special Risk Accident Insurance for Volunteers

Protecting Counties...



served to reinforce my point about the uncertainties and dangers of the job of deputy sheriff. I had no idea how prophetic those comments would be. The Captain and I completed our meeting and returned to our office about 11:30.

At 11:55 I was standing in our control room when I heard Sgt. Freas notify Chester County Police Radio of his location, identifying the other deputies with him, and their purpose for being there. His voice was controlled and calm as he came back on the radio and asked for additional assistance. Local law enforcement and the Pennsylvania State Police confirmed they were on their way.

Approximately three minutes passed when the voice of Sgt. Freas could be heard with urgency, "Shots fired". Within seconds, Sgt. Freas could be heard again with greater urgency shouting, "Shots fired, Officer Down. Officer Down, I need a medic and an ambulance!"

I stood among the control room radios and monitors, not really believing what I had just heard. My mind raced with the realization that four trusted members of our department were under gunfire. One had been hit. An eerie, deafening silence seemed to take over the room when Sgt. Freas' voice was heard again. He shouted, "second officer down!" and in the background I could hear the unmistakable sound of shots being fired.

Instantly Chester County Police Radio put out the call for any available unit to assist and we could hear sirens whelping as units from all over the county responded. Chester County Detectives, SWAT teams, the Pennsylvania State Police from Avondale, Embreeville and Lancaster Barracks Troop J were also on the way. The Chester County Police Radio activated their critical incident mobile communication center known as "Comm 1". A staging area was designated at a local elementary school.

Seconds seemed like hours as our

The Pennsylvania Sheriff

department waited to hear any information of who had been shot or the seriousness of the wounds, I needed information, and I was at the mercy of others to supply it. Families needed to be informed. Three of the four deputies at the scene had families working in the courthouse, and it did not take long for word to spread through the building that deputies had been shot.

We have all had extensive critical incident training and logistically we knew what had to be done. But this was our family, this was personal. Keeping emotions in control and staying focused on the tasks at hand, I closed my eyes and prayed silently, "Lord please protect our guys out there. Help us here. God, help us all."

Decisions needed to be made quickly. As we waited for additional information we began to formulate a plan of action. Some deputies and supervisors were sent to the scene. Road deputies were already responding. Other deputies were designated to notify families, while some needed to remain to assist the several courts that were in session. We also needed to address the security of the holding cells filled with prisoners. While all of this was taking place, we realized we did not have enough vehicles to be everywhere we needed to be. This was all complicated by the fact that reporters from the newspaper, radio stations and Philadelphia television stations were calling and making their way to the courthouse.

We had not released names of the injured deputies, pending notification of families, but a "breaking news" report sparked dozens of phone calls to the office from concerned relatives of deputies trying to find out if their loved ones were accounted for. I advised all deputies to immediately call home and inform relatives they were safe. I admonished them, however, to release no additional information.

As reports came in we were told that Deputy Smida had been shot in the face.

He was being airlifted to Temple University Hospital. He was in serious condition. Deputy Boyd had his weapon in front of his face, returning fire trying to reach the wounded Smida, when his gun was shot from his hand partially severing his finger and disabling his weapon. He was being transported by ambulance to Southern Chester County Medical Center.

While all of this was going on, Sgt. Freas was trapped under a window at the house, bravely returning fire allowing the injured Boyd and Smida to leave the area. Sgt. Clemens was crouched behind a vehicle, where he would remain for over three hours in the sweltering summer heat, unable to move without being exposed. Gunfire from within the house was continuing sporadically and it was clear that Rosengarth, a skilled marksman, was using powerful weaponry.

Simultaneously, deputies were notifying and transporting family members of the wounded to their respective hospitals. Television helicopters were hovering overhead relaying live images of the situation to their viewing audience. Residents were being evacuated from the area to a local school. A perimeter was being set up. Members of the news media had converged on the Chester County Courthouse. Through all of this, we still had to keep the courts running smoothly with a skeleton staff while the standoff continued for over three hours. Rosengarth finally surrendered about 3:15 as the armored vehicle arrived from Plymouth Township to rescue Sgt. Clemens from his trapped position. As Rosengarth was taken into custody the squad room was filled with cheers and tears.

Deputies Smida and Boyd underwent surgery that evening. They still face additional surgeries as well as lengthy recovery and rehabilitation. Through all of this, one fact remains. On July 24th, we had well trained deputies and supervisors walk into a situation that was lethal. They could not have known that



In the Line of Duty

Rosengarth had placed his refrigerator as a barricade and had 26 weapons loaded and placed at windows and doors throughout the house. They had no warning of the detailed plan by Rosengarth to lure them into a fatal funnel.

The after effects of that day continue to reverberate and evoke powerful emotions. When the call of "officer down" came in, it was numbing. I have listened to tapes of the transmissions several times, and each time it is chilling and gut wrenching. Yes, we are trained

to respond to critical emergency situations, but nothing prepares you for the emotional impact of "Officer Down". We continue to meet, and offer support and counseling for everyone.

All who serve in the Chester County Sheriff's Office will never forget July 24th, 2003. It will be remembered for the horrific events of the day and those frightening moments and hours we shared that were profound, painful and poignant. But the thing that will be remembered most, above all things, is the courage and heroism of our four

deputies. Four highly trained men who cared and protected each other, put their own lives on the line for their fellow deputies. We will forever share the utmost pride in these four men who showed incredible strength and withstood a vicious and deadly assault. We will always remember and be grateful to God for his Grace and protection of our men who wear the sheriff's star.

PCCD Marks its

20th Year of Deputy Sheriff Training.

By Carl Anderson, Executive Director of the Pennsylvania Commission on Crime and Delinquency

By the end of 2004 the Deputy Sheriffs' Education and Training Board of the Pennsylvania Commission on Crime and Delinquency will have completed its twentieth year of training and certifying newly hired deputy sheriffs. In accordance with the provisions of Act 1984-2, the Board has held 47 basic training classes and 37 waiver classes certifying a total of 3,767 deputy sheriffs since the training program began. As of October 2004 there were 2,016 deputy sheriffs employed in the Commonwealth's 67 county sheriff's offices.

The Board expects that 2005 will be another great year for deputy sheriffs' training. The Board will continue to evaluate and upgrade the existing 760-hour, 19-week basic training and the biennial 20-hour continuing education. In addition, the Board will start issuing certification cards, as staffing allows.

Pilot offerings of merit courses have met with mixed interest and the Board is evaluating how it can better meet the needs of Sheriff's offices with these optional courses. The Board anticipates offering the hybrid traffic code/patrol operations

course in early 2005. This course will require a deputy sheriff to complete several months of correspondence work and a test prior to attending a two-week hands-on training at Penn State University.

The new fitness standards for basic certification will be published in November of 2004 in a Deputy Sheriffs' Training Bulletin. These standards and the policies for testing and re-testing will be in effect with the first basic training class of 2005. Finally, the Board continues to explore ways to take advantage of technology to provide more training options to deputies throughout the Commonwealth.

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EXHIBIT "B"



We will not forget the sacrifice.

*A special thank you to Nancy Coleman
for the outstanding articles on
Deputy Christopher Burgert and
Deputy Michael Vankuren.*

*Our sincere appreciation to the staff of
"The Daily & Sunday Review" in Towanda, PA
and especially the editor, Ron Hosie, for
allowing us to reprint the articles.*

We will not forget the sacrifice.

The VanKuren-Burgert Murder Case to Date:

By the Daily and Sunday Review

March 31, 2004: Bradford County sheriff's deputies Michael VanKuren, 36 and Christopher Burgert, 30, are shot and killed while serving warrants at a private residence along Congdon Road, Wells Township. The warrants were for Dustin F. Briggs and April Harris.

April 1: After a massive, 30-hour manhunt, Briggs is captured near the home where the shootings occurred. State police charge him with two counts each of criminal homicide, first-degree murder and third-degree murder. Briggs is considered the prime suspect in the killings.

April 15: Due to a potential conflict of interest, the Bradford County commissioners appoint two attorneys from other counties to serve as public defenders for Briggs. George Lepley of Williamsport and Craig Miller of Lock Haven have been appointed as public defenders. In addition to preside over Briggs' preliminary hearing, Troy District Justice Jonathan Wilcox, in whose jurisdiction the homicides occurred, had formally recused himself from the case.

April 28: Arlan F. Briggs, 61, of Gillett is arraigned before Wilcox on three counts of hindering prosecution in relation to the incident during which VanKuren and Burgert were killed. Briggs is the father of Dustin Briggs. Two counts are third-degree felonies. The third is a misdemeanor. One felony count is for allegedly harboring and concealing the location of Harris. The second is for allegedly warning Harris that police had arrived. The misdemeanor is for allegedly concealing the location of Dustin Briggs, when he knew there was an active bench warrant for his arrest. Arlan Briggs is released on \$15,000 unsecured bail.

April 30: Dustin Briggs is bound over for trial after prosecutors present evidence, including an alleged confession, linking him to the shooting deaths of VanKuren and Burgert.

May 26: Pennsylvania State Police present commendations to law enforcement representatives from two states at a special ceremony held at the Independent Baptist Church in Towanda, along with members of other community organizations for their efforts in the search and capture of the prime suspect in the murders of two Bradford County's sheriff's deputies in March.

June 23: Bradford County District Attorney Steve Downs opens the door to seek the death penalty for Dustin Briggs. The D.A. files a notice in Bradford County Court alleging aggravating circumstances accompanied the killings. Should Briggs be found guilty of one or both killings, the alleged aggravating circumstances could subject him to the death penalty.

June 26: It is announced that President Judge Jeffrey Smith of the Bradford County court of Common Pleas has recused himself from the Dustin Briggs double-murder case. Smith cited the possibility of being called as a witness as the reason for his recusal.

June 29: Wilcox and District Justice Fred Wheaton recuse themselves from the Arlan Briggs preliminary hearing. As his reason, Wilcox cites his attendance at Dustin Briggs' hearing, during which testimony was given relevant to Arlan Briggs' pending court matters. Wheaton recuses himself, citing procedural measures. Arlan Briggs' preliminary hearing is postponed.

July 7: State police announce they have recovered the duty weapon of Burgert, which had been missing since the day he had been slain. They also have recovered a second weapon, which is believed to be associated with the homicide investigation.

July 15: Bradford County Court of Common Pleas Judge John Mott recuses himself from the Dustin Briggs case, citing the possibility of being called as a witness.

July 27: Bradford County District Attorney Steve Downs drops the charges against Harris

August 13: Arlan Briggs is ordered bound over to Bradford County Court for possible trial on three counts of hindering apprehension or prosecution.

August 14: It is announced that Commonwealth Judge Barry Feudale, a senior judge from Northumberland County, has been picked to oversee the case of Dustin Briggs.

August 25: Bradford County District Attorney Steve Downs announces he has recused himself from the case. The Attorney General's office will handle the prosecution of the case. Downs cites a section of the Commonwealth Attorney Act which lets him recuse himself based "upon inadequate resources or upon an actual or apparent conflict of interest."

We will not forget the sacrifice.

August 29: It is reported that Kim Burgert of Sayre, widow of Christopher Burgert, has filed a wrongful death lawsuit in excess of \$25,000 against Arlan and Dora Briggs of Gillert, alleging they failed to notify authorities that their son Dustin Briggs was on the property even though there was an active warrant for his arrest.

September 1: It is reported the Elane VanKuren, widow of Michael VanKuren, has filed a lawsuit similar to Kim Burgert's.

September 16: In response to a pre-trial motion by Dustin Briggs' defense team calling for the dismissal of robbery charges against him, the state Attorney General's Office introduces more evidence during a continuation of his preliminary hearing.

September 28: It is reported that Dustin Briggs' attorneys have filed a motion at the Bradford County Courthouse in an attempt to have Pennsylvania's death penalty declared in violation of both the state and U.S. constitutions.

Their Watch Is Ended

Sheriff Steven A. Evans - Bradford County

On July 3, 2003 Sheriff's Deputies Michael VanKuren and Christopher Burgert were investigating a report of an anhydrous ammonia tank that was reportedly stored at an auto junkyard in a remote part of Bradford County. After discussing this matter, the property owner opened the trunks of several junk cars where meth lab waste was being hidden. During processing, the identification of an April Harris was discovered in one bag. Harris was the girlfriend of the property owner's son, Dustin Briggs. After repeated attempts to locate Harris, Deputy Burgert filed felony meth manufacturing charges on Harris and obtained an arrest warrant. In February of 2004, the Bradford County Sheriff's Office received a bench warrant for the arrest of Dustin Briggs. Following the July 3rd, 2003 lab discovery, Sheriff's Office staff had been at this junkyard more than ten times without incident.

On March 31, 2004, at approximately 11:00AM, Deputies Burgert and VanKuren were fatally shot at this junkyard. Court documents indicated that they knocked on the residence door and receiving no response, they drove up a road through this junkyard with cars parked haphazardly along the road. It is believed they were ambushed and shot repeatedly on this road and Deputy Burgert's weapon was missing.

After an intensive two-day manhunt, Dustin Briggs was captured in a wooded area south of the junkyard. He remains incarcerated, charged with homicide.

Deputy VanKuren had almost 10 years of service as a Bradford County Deputy Sheriff. Mike was the Firearms and Patrol Rifle Instructor for the Bradford County Sheriff's Office. He was also a Defensive Tactics Instructor for the Deputy Sheriffs Training Academy. Mike was the Sheriff's Office K-9 handler and worked often with his K-9 partner, Montana.

Mike maintained a busy off duty life. He was a devoted family man and loved the outdoors, hunting, archery, and fishing. He also coached Little League and had served as the local Little League Association President. He is survived by his wife Elane, son Andrew and daughter Tiffani.

Deputy Burgert had almost six years of service with the Bradford County Sheriff's Office. Chris was the Sheriff's Office lead Meth Lab investigator. He was a DEA certified Clan Lab Investigator and a certified Evidence Technician. Chris was a dedicated anti-meth agent and it was primarily his efforts that resulted in seven lab seizures by the Bradford County Sheriff's Office out of the fourteen reported seizures made in Bradford County.

Chris was a Veteran who served in the United States Air Force National Guard from 1996 until his honorable discharge in March of 2003. Following September 11, 2001, Chris was activated and served in the Middle East as part of Operation Enduring Freedom.

Chris was also a devoted family man who loved spending time with his 2 year-old son Christian and his wife Kim. He enjoyed golf, tennis, and weightlifting.

Both Deputies were Act 120 trained and experienced as municipal police officers.

These were men that anyone would love to have as partners. Mike VanKuren was 36 years old and Chris Burgert was 30. They are greatly missed professionally and personally.

We will not forget the sacrifice.



Fatally Shot 3-31-04

Deputy Sheriff Michael VanKuren

- 10-year veteran of Bradford County Sheriff's Office
- Police Academy Graduate
- Deputy Sheriff Academy Graduate
- Certified Firearms Instructor
- Defensive Tactics Instructor at the Deputy Sheriff Academy
- Standardized Field Sobriety Testing
- Former Assistant Chief of Police



Cold Sorrow

Fallen Bradford County Deputy
Michael VanKuren laid to rest

By Nancy Coleman, April 5, 2004

The following is reprinted with permission from the Daily & Sunday Review in Towanda, PA

Mike was making it snow. After all, snow makes good tracking for hunters. So claimed one young man at the Warren Center Cemetery Sunday afternoon, as flakes fell on hundreds of shivering relatives, friends, and police officers gathered at the burial for Bradford County Sheriff's Deputy Mike VanKuren. The ceremony, in the small town of northeastern Bradford County, followed a funeral at the Towanda Independent Baptist Church attended by close to 1,000.

Among the guests and participants were approximately 400 law enforcement officers from around the state. The State Police Ceremonial Unit took part in the service at the cemetery, and other officers stood at attention or served as pallbearers.

With vehicle lights flashing, officers drove with other guests from the church to the cemetery, in Mike's hometown, in a procession that was said to cover nine miles. Brian Thurston, from Maryott-Bowen Funeral Home, later noted that when the lead cars were leaving Route 17 at Nichols N.Y., to head south to Warren Center, the end cars were just getting onto the highway in Waverly. But Mike himself? He probably wouldn't have wanted all the fuss. He probably would have rather been out in the snow, hunting or fishing or boating with his family. Living the quiet life.

To honor this strong, tall, reserved young man, and to comfort his family, guests filled the church on that cloudy, wind-chapped afternoon.

The funeral originally had been set for the nearby Maryott-Bowen Funeral Home, but was changed to the church to accommodate the expected crowd. There guest filled the sanctuary - which can hold 500 -

The Pennsylvania Sheriff

then spilled into a nearby room. TV monitors in the second room glowed with images from the sanctuary, including guests, the pulpit - even a close-up of some soothing red roses.

At the pulpit, behind floral arrangements, the Rev. Brad Marple of the Warren Center Methodist Church, of which Mike was a member, and the Rev. Larry Jennings of the Warren Center Methodist Church led the service.

Evil has intruded into our lives, Marple said, referring to Mike's death. He noted the memory of evil once tormented him and evil men put Christ himself to death.

God, however, raised Christ from the dead, he said. And he encouraged the law enforcement officers to take their anger and use it to work hard, fighting crime. He urged them not to become bitter.

Jennings talked about Mike's love of the outdoors. The pastor himself had chatted with the officer about hunting and helped the local Little League. Just last year, he noted, Mike had won his first championship in a certain musket-shooting contest he'd been attending since a teen.

Though a faithful hunter, Mike had missed some hunting time once, the pastor revealed - the year he traveled to Pittsburgh to visit a special lady. Later, he and the special lady, Elane, traveled to the Rockies - a hunter's paradise - for their honeymoon.

Jennings believed Mike was proud of his two teen-age children - Andrew, who had taken up his father's shooting habit, and Tiffani, who excels in softball, basketball, and soccer.

The pastor said he'd recently heard certain phrases describing Mike: A good son. A good father. And - he said, choking up - "a superhero."

And he posed the question many may be asking now, following the deputy's tragic death: Why? God doesn't resent our questioning, Jennings explained. And he will strengthen and take care of those suffering, he assured.

We will not forget the sacrifice.

Mike played hard, Jennings said. And he tackled life. He remembered Mike's motto: "Keep your eye on the ball - and go for it!"

Close friend Brian Hathaway read a poem he wrote for Mike. Struggling with his own tears, he spoke of hunting, and playing football. With his "brother." Mandy VanKuren Gambal, Mike's cousin, sang a medley of hymns. She had also performed a Mike's wedding.

The service concluded with Marple comparing Mike's compassion for others to God's love for humanity. He urged the guests to form a relationship with Christ so they might one day dwell in heaven.

Outside the church, police officers stood in rows in the parking lot, as a color guard on the lawn held flags flapping in the wind. A hopeful sun tried to push through the clouds and several hawks - a beautiful sight for any outdoorsman - floated overhead, as if offering their own winged salute.

Guests stood to the side, while the remaining mourners and family members left the church. One special guest padded among them - Montana, VanKuren's police dog.

Finally came the pallbearers with the flag-draped casket.

Blinking bravely through the cold, gray afternoon, the procession of police and other vehicles crept gently up the river, down Route 17 and into the Warren Center hills. The law-enforcement cars came from all over: Cumberland County, Clarion County, Wayne County, Johnson City, Elk County, Delaware County, Broome County, Allegheny County. All to honor their own.

On a hillside topped by bare trees and covered by grass straining to turn green through the menacing snow, the group huddled around a tent. Around them stood the headstones of Warren Center folk, some buried

recently and some a century ago. "Our children," read words on one. On another, "gone but not forgotten."

The pastor shared a few words. Members of the ceremonial unit then offered a gun salute and taps, and a member played "Amazing Grace" on the bagpipes.

Even in the cold wind, friends shared warm memories.

Bill Clark played basketball at Northeast Bradford with Mike. "He had the deadly left-handed hook!" he said, "Just like pitching a baseball...It was amazing!"

Bill's younger brother, Jim, used to guard the leftie. No easy task. But today in the snowy cemetery, he thought about more than hooks. "Mike was a good man," he stated. "He's left behind two super kids."

Later, in the town community hall, guests gathered for a meal. Doug Young was one of the volunteers serving it. Doug knew Mike from Little League and had coon-hunted with him. Mike was "just a good kid, you know?" Doug said. His death was "just so stupid."

In his uniform, Lt. Dennis George of Greensburg, PA police department, near Pittsburgh, stood straight and dignified in the hall. He had come to support his niece, Elane, Mike's wife. "Mike was an excellent policeman," he stated. "Very tenacious...very smart guy." He added: "And compassionate."

But on the hill, the guests and uniforms had left, and the last crisp notes of taps had slipped off into the woods. Except for wind and snow breathing over the earth, all was quiet.

The way Mike would have liked it.

Six Months Later: Hurt and Happiness

BY NANCY COLEMAN - The Daily and Sunday Review - Towanda, PA

Montana keeps looking. The Rottweiler pads through his home, room by room. Into the kitchen. Looking. Into the living room. Looking. Down the stairs to the family room, and up the stairs to the pinebeam loft. He's looking for a person. That person's not here.

Michael VanKuren was killed in the line of duty last spring. He left a lot behind - keepsakes and memories and lessons. Lots of good things. But even now, there's so much pain. Because Michael's not here.



Elane VanKuren with Montana

"Bradford County Sheriff's Office" reads her gray sweatshirt. The dining-room light glints off her engagement and wedding rings. Sometimes she laughs. Sometimes she cries...Elane Freeman wanted to work in FBI forensics. With a background in chemistry and biology, she enrolled in the deputy sheriff academy, at Dickinson School of Law. There she met a tall, handsome student, Michael VanKuren. "Oh boy!" she says. "I was like, 'Oh my!'" He noticed her, too, and asked her out. They saw a movie, ate pizza. They "just clicked on everything," Elane says. Hunting. The outdoors. "Our dream home was the same home." They shared job interests. "It's kind of uncanny." School ended. "By the end of the academy he had my pager number and I had his!" They worked as sheriff's deputies -- Michael in Bradford County and Elane in Westmoreland County, near Pittsburgh. They visited each other. Finally, love won out. Elane moved here and worked for Children and Youth Services. On Sept. 4, 1998, they married. They had a wonderful wedding - white gown, big church, Michael's son, Andrew, as best man

We will not forget the sacrifice.

and his daughter, Tiffani, as a little bridesmaid. They flew to Montana to honeymoon. And hunt.

They kept busy. Michael also served with area police and studied for a criminal justice degree. In 2001, Elane started working at United Medical Associates, in New York state. Michael helped with Little League, followed school activities, fished. They took the kids to archery shoots and Disneyworld. Sun shining? Picnic time! "I introduced him to whitewater rafting!" Elane says. "It was a blast!" They paddled Colorado's Arkansas River. The raft smashed something - and Michael bounced out. Elane grabbed his feet. He came up. "You're going to drown me!" he yelled. "Let go of my feet!" It was fun!

Michael taught his kids responsibility. "Responsibility for what you do and the choices you make," Elane says. "And that family comes first." And, "that you have to work hard to get things in life." They built a dream home. All white pine, the house has a 26-foot high stone fireplace and several logs they cut and stripped themselves. It was like a hunting lodge, their own paradise. To spend the years in.

They traveled to Toronto. "He wanted a \$50 Cuban cigar!" Elane says. One day on the street, she tossed her McDonald's garbage into a waste can. A homeless man dug it out, for the leftovers. It broke her heart. Michael hated seeing Elane upset. "So he walked back to McDonald's and got this guy food. ..." "He was compassionate in his own way."

The furry little guy was born in 1997. "He was actually a gift to me," Elane explains. His name: Montana. Then Michael started talking ... something about training and police dogs. "We ought to train him, too!" he declared. "I should have seen this coming!" Elane says now. They trained in drug detection in Penn Yan, N.Y., and the Rottweiler, at 9 months, became the youngest dog ever certified there. "He loved his dog," Elane says. Montana would chase Michael through the house, and the kids would chase Montana. Elane would have to throw dog and husband outside.

One night, Michael had deputies over. Elane brought Montana back from the groomer's and, to Michael's horror, his police dog was wearing - a bow. Heeey, Montana! Woo-woo! The guys loved it. Someone colored his dog dish pink. Elane shows a photo - of "him and his baby boy." Michael lies on the carpet, head on

She saw him that morning. Later, he called and told her where he was going. I'll call you at lunchtime, he said. They hung up. She never spoke to him again.

a pillow. A baby Montana, in a red collar, snuggles on Michael's chest. He liked feeling Michael's breath.

And, of course, Michael hunted. He shot rifle, but especially loved the simple long bow. "It was a challenge," Elane says. He was good. In 2003 he took first in the Muzzy Invitational Tournament in New York. "He just liked to see the outdoors," Elane says. The couple hunted from the same tree. They shot arrows at stumps. Besides Montana, they visited Colorado - once they chugged home with more than 1,000 pounds of elk meat in the Suburban. Today, caribou and elk heads hang by the fireplace. "The antelope's downstairs," Elane notes. Two whitetail buck mounts gaze from the chimney, side by side. His and hers.

March 31, 2004. She saw him that morning. Later, he called and told her where he was going. I'll call you at lunchtime, he said. They hung up. She never spoke to him again. Elane doesn't want to talk about the rest of March 31. She took time off from UMA. She returned in June, but it didn't work. "I have so many bad days," she says. "You're compromised." She's not working. "I think I'm stuck on March 31. ... Haven't moved much past that day." She goes on: "They say it seems like a long time. But the only way I can describe it is that because I miss him so much it feels like a long time, but it just feels like yesterday." She wipes her face. "I don't know how to describe it," she says. "Probably an empty sorrow." Intense.

Elane's mom died long ago. "They're totally different," she explains. "You expect to lose your parents." But ... "when you lose your spouse, you lose your everything," she says. "You lose everything that happens every day ... and you lose your entire future, and your future plans."

Andrew and Tiffani felt shock, she says. It was "pretty overwhelming." But on that cold funeral day, Andrew escorted his sister from the church, on his arm. They walked bravely. With dignity. Today, Andrew's a Pennsylvania College of Technology freshman. Tiffani's a

Northeast Bradford freshman. "They're strong kids," Elane says. Family and friends helped. "I think that they're doing pretty good."

This summer, Elane helped Andrew prepare for college and drove Tiffani to softball and soccer. Today, she goes to soccer matches. She cares for the dogs. She does what she needs to - but stays home a lot. Hunting? "I can't," she whispers. Last spring, Montana wouldn't eat. He lay around - but with no breath warming his fur. "He was definitely pining, looking for Michael," Elane says. "Some days I just can't wait for the day to be over," she admits. "Quite frankly, I'm just not doing very well. There's no other way to describe it." She laughs, resigned. "I think about him just about every minute of the day. ... Most days it doesn't even seem real." But then - "maybe that's just my heart talking." She looks down at a snapshot of Michael. A tear clings to her nose. She hasn't sorted his belongs. "His shoes are still on the step. No; I can't sort anything out. ..." "I told you I'm stuck." She whispers. "Stuck."

"I found these grapes on my porch today," Elane says. The blue Concord sets on her table. People sent cards. They gave money. One little boy mailed his allowance. Once, someone brought Elane a blanket at the cemetery. "Most people don't ask how I'm doing, she says. "They know." She tries to write everyone a thank-you. "How do you thank everybody" she asks. "But I want people to know ... how much we appreciate what they did," she says. "What they still continue to do."

What did Michael teach her? Elane thinks. "I guess just ... the knowledge just to kind of be yourself," she says. "It's OK to be who you are" ... to do what's right, even if it's not popular. "Be true to yourself."

She has happy memories ... memories that pierce tiny, glinting holes through the blackness, like a star in a midnight sky.

No, Michael's not here. That hurts. Yet, he is.

In her heart.

K-9 Deputy Montana, aged 7, passed away on October 23, 2004 after a lingering illness.

Montana has met Deputy VanKuren on the Rainbow Bridge, and they have crossed over together. Montana was laid to rest with Deputy VanKuren on November 13, 2004.

We will not forget the sacrifice.



Fatally Shot 3-31-04

Deputy Sheriff Christopher Burgert

- 6-year veteran of Bradford County Sheriff's Office
- Police Academy Graduate
- Deputy Sheriff Academy Graduate
- U.S. Air Force Veteran (Deployed as part of Operation Enduring Freedom)
- DEA Certified Clandestine Laboratory Investigator
- Certified Evidence Technician
- Standardized Field Sobriety Testor
- Part-Time Police Officer



Respect and Thanks: Chris Burgert Laid to Rest

By Nancy Coleman, April 6, 2004

The following is reprinted with permission from the Daily & Sunday Review in Towanda, PA

The man stands there, watching it go by. The funeral procession for Bradford County Sheriff's Deputy Chris Burgert makes its way up Route 17C Monday afternoon. Car after car rolls by, police lights flashing. Along with some other people, the man stands by the road's edge. He isn't dressed up. Just a plaid flannel shirt over his chubby frame and a pair of old jeans. He probably isn't partial to wearing suits or fancy ties much. And he's probably never met Chris Burgert. But as the procession drives by, he does something. He holds his cap over his heart. It's an act of respect. And thanks.

Earlier this day, hundreds of relatives, friends and fellow officers are in the Independent Baptist Church in Towanda to do the same thing at Chris' funeral. Respect and give thanks. Close to 1,000 guests, including at least 400 law enforcement officers, fill the church, as they did the day before for Chris' partner, Mike VanKuren.

They cry. They hug. Sometimes they laugh. They remember.

And they hold their heads high and salute. They respect.

Before the service, guests fill pews and visit family members, standing in front of Chris' flag draped casket in the sanctuary. Sheriff's deputies wait in their own receiving line in the lobby.

Outside police mill about. A group of officers-someone commented they were New York state police-march down the driveway. Sunlight shines through the church's flag, flying at half-staff.

In the parking lot, a pickup truck shows off a bumper sticker. "If you (heart symbol) your freedom", thank a vet.

Towanda Borough Police Officer Reggie Douglas, out on the front walk, remembers Chris working part time for his department. "Friendly fellow,"

he says. "Soft spoken, a great person...
"We'll miss him greatly. It's hard to believe that he's gone."

Jason George, a police officer at Penn College, in Williamsport, comes to the funeral to honor his friend. The two trained together at Mansfield University and both worked for Towanda.

"He was a unique person...just a real pleasure to be around," Jason says later. Chris was quiet and outgoing with his job and the important things, he explains. To meet Chris was to like him.

The two sometimes stayed up all night securing meth lab sites. Chris didn't mind. "He had a mission to accomplish."

One of their first nights riding together, Jason wondered who should drive. Didn't matter to Chris. "As long as we have coffee!" he told Jason. A hot cupful in the car was a must for Chris.

He was a model student, a model citizen. "If everybody was like Chris, there wouldn't be any problems!" Jason declares.

Somewhere in the crowd is Joe Walker, a part-timer with the Muncy Township Police Department. He never knew Chris, he admits later. But he made the trip up. "As far as I'm concerned we're all brothers."

Inside the lobby, Penny Farley stands in the deputy's line. A courthouse employee, she knew Chris through work. She's come today, simply, out of "respect for him."

And here, in this room, is where you really meet Chris.

You meet him in the photos - dozens, attached to boards, documenting a life of love.

We will not forget the sacrifice.

A young Chris wearing a black Athens bulldog shirt, gazes out from a school picture, his bangs tickling his eyes. Over there is Chris in his long-hair years, light brown locks streaming down around his face.

And then, someone else enters the photos. Chris stands on a beach, with a young woman in a flowing white dress. Her name's Kim. Apparently, it's their wedding day. And there they are in a nice, big close-up - kissing. And then another little someone enters the photos, someone named Christian.

And you see Chris with Christian in his backpack, with green trees in the background. Chris pulling Christian in a little sled. Chris showing Christian how to hold a putter. Chris and Christian on the beach, looking toward the water. Chris and Christian with a birthday cake - "Happy 29th Birthday, Chris" - with little balloons on the corner and red icing on the bottom.

Chris in Air Force camouflage, and Christian cradles in his arms. Daddy gazes down at his son.

In the sanctuary, the service begins. Some 500 people sit here, another 300 in another room holding monitors. Reporters, at the family's invitation, have set up cameras.

"I've never found anyone that had the opportunity to meet Chris that didn't remain his friend," Sheriff Steve Evans states in his eulogy. People liked him. People trusted him. "He was everybody's friend," Evans says.

"We knew Chris as a very special person. He was a gentle soul." One day Chris came to work upset. It seemed a bird had flown into the car grill. "And he was very upset about that."

Evans liked to tease Chris, telling him how much he hated cats. "How can anyone hate cats?!" Chris would answer.

A member of the Bradford County Drug Task Force, Chris was determined to fight methamphetamine. Evans often would get a call, maybe late at night, maybe on the weekend. He'd pick up the phone. He'd hear that deep, quiet voice: "Sheriff, wanna do a lab?"

Evans offered words for young Christian: "Christian, your daddy was a very gentle soul. He was a very kind and loving man and he worked hard at what he believed in with his whole entire soul. He believed very strongly in right over wrong. In his mind there wasn't a question as to whether or not you were too tired to keep going. There wasn't a question about whether you'd done enough...there was work to do. He wanted to do it."

Once, after 24 hours on a meth lab arrest, Evans looked at Chris. "How you feeling?" he asked. "And he looked at me kind of surprised. 'I feel great... I could use some coffee, though!'"

peaking to the child again, Evans stated: "Christian, your daddy was a rear man." The sheriff started to break down. Then he continued: "And he helped an awful lot of people..."

It was an honor and a privilege working with Chris."

Chris' stepbrother, Richard Davidson, and brothers Paul Burgert and Thomas Muller, take the stage together.

© Pennsylvania Sheriff

"There was no 'step' in our family," Richard insists. He recalls roughhousing with Chris, and ending up laughing after hearing his brother's own laugh - in spite of Chris banging his head with a door.

"I love you, Chris," he ends.

Paul tells of playing with Chris in a sandbox. Chris tried to kick a ball off the edge and instead smacked his foot on the railroad-tie side. "And I swore it moved!" he said of the tie.

"I'm a very lucky man," Paul states. He begins to cry. "Because I'll always have that day."

As Richard holds and comforts Paul, Thomas reads a poem. "I love you and we're going to miss you!" he ends.

Then, in a church full of men in uniform, perhaps the bravest person in the building takes the stage...Kim Burgert.

Composed and keeping herself upbeat, Kim recalls the first moment she saw Chris. Both were working at the Heritage Nursing Home. She saw him in the hallway. "And I was like, 'Hi!'" To herself she thought, "Wow...I gotta have that!" She noticed his ponytail, and, looking at him from behind, "another feature which I dearly loved!"

In three months, they went on a date. In eight years, they married. In 10 years, they had Christian.

Chris was "sweet and shy," Kim says. "You couldn't help but like him." She didn't want him to become a cop. But "he loved you guys so much," she tells the officers. "You guys weren't his co-workers. You were his friends. ..." "I'm not going to feel sorry for myself," she states. "I am glad for what I had...I had Chris in my life."

The Rev. Jason Guillaume of the Ulster United Methodist Church compares Chris to the biblical Good Samaritan, who helped his injured foe. All are to "love your neighbor as you love yourself," he said. For Chris, "his neighbor was anyone, anyone he met."

The pastor recalls recently seeing a burned-over area along the road. "But today, driving past the bank...there's little sprouts of green...the grass is coming back." He also notes how Christ died - but arose. In this vein of hope, "God will do the same sort of thing in your hearts," he explains. "Chris was a gift...a gift from God," he concludes. "Thank You, God, for giving us Chris."

Several guests take the opportunity to offer words.

A young man goes up onto the stage. "Chris Burgert was the man!" He loved him. That's it. He walks down and embraces a family member and a grateful hand slaps-slaps his leather coat.

A friend's mom tells of Chris' encounter with a dreaded snake while water skiing ("Get me out of here!!").

A school friend remembers first seeing Chris on the bus and hunting with him. Again, he was thankful. "I'm just so happy that he got on the school bus." A constable remembers seeing Chris during his courthouse work. "What I observed most was his love of life."

We will not forget the sacrifice.

The service ends and the guests file out. Police form rows in the parking lot and civilians stand to the side, all waiting.

Now the things, that have no voice - have their say. The sun smiles down, grass reaches up green blades. Newborn daffodils bow their yellow heads. The sky stretches blue arms to the horizon. A cool wind lifts the flags. Perhaps it's their way...of saying thanks.

Someone gives an order and the officers salute. The pallbearers bring out the casket and carefully lift it into the hearse.

Minutes later, they're on their way to the Barton Cemetery. The cars come from Canton, Waverly, Rome, Dauphin County, Williamsport. Even Forest County, Erie County, Chester County, Pittsburgh. And along the way, cars have stopped for the procession. A luxury car, a red sports car, a mail truck, a garbage truck. A woman in one vehicle appears to wipe her face. A sign outside a restaurant reads: "A husband, A father, A son. Chris and Mike."

The cars stretch out at least 6 1/2 miles. They pass a church, a cornfield, silos. They follow the river. Evergreens reach out gentle arms.

All along, people watch. Waitresses stand outside a restaurant. In Green's Landing, people wave flags. Little kids jump up and down, and a cop beeps. A man in a leather jacket holds his cap in front of him. In Waverly, a woman in a long, blue coat stands near the road. She holds her hand over her heart.

Owego firemen have parked ladder trucks near the cemetery. From them hangs a huge U.S. flag, right over the road. The hearse pauses, then goes on.

It turns down a side road and crosses railroad tracks. A fluffy-tailed gray cat - "How can anyone hate cats?" - is by the tracks. Perhaps waiting for his friend.

Officers, friends, family form a circle around the gravesite. The pastor prays. The 174th Fighter Wing Air National Guard, from Syracuse, fires the shots, plays taps. Young men and women in blue uniforms lift the flag off the silver casket and slowly fold the precious cloth. A young woman hands the striped triangle to Kim.

Tears trickle down the face of a woman in the crowd.

The ceremonies end.

The speeches have been spoken and the prayers prayed. The hugs hugged. It's all over.

But it's not. Because respect and thanks - live forever.

Six Months Later: Twinkle Star and Strength

BY NANCY COLEMAN - The Daily and Sunday Review - Towanda, PA

Ten o'clock is Christian Burgert's bedtime. So he drinks his milk. He crawls into bed, with his blanket that has the baby Tweety and Bugs Bunny on it. Mommy tucks him in. And before his sky-blue eyes close, and his little gold head melts into sleep, Mommy sings. "Twinkle, twinkle, little star. How I wonder what you are. ..." The song's special. Because Daddy lives with the twinkle stars now.

"I was here at the house ..." Kim Burgert begins. She can talk about it. She doesn't cry — at least in front of others. Folks say she's brave. "You don't have a clue!" she thinks. But — something keeps her going.

March 31, a co-worker called, claiming two deputies had been shot. "No, I haven't heard anything," Kim answered, skeptically. "Let me call Chris." She called. And paged. He didn't answer. Her mom phoned. She'd heard something, too. ... Kim called the Sheriff's Office. The background was noisy, and they put her on hold twice. "I don't know what's going on right now," an officer finally said. She heard footsteps. She opened the door. She saw Sheriff Steve Evans, Chief Deputy Ken Foss — and a minister. "No! ... No! ... No!" She backed away. The officers hugged her. "I'm so sorry, Kim," Evans said. Christian will never know his father, Kim thought. She picked him up. "I'm so sorry!" she told her little boy. "I'm so sorry, Christian!"

She's on the floor, pondering the VCR's mysteries. "I love you, buddy!" she tells Christian. Her blue eyes spark with life. He wants to see "Men

in Black" — likes the aliens. "Look!" he says. He shows off his green "Shrek" watch. Kim gives up. "Do you want to watch 'The Flintstones' or do you want to watch 'Recess'?" she asks. "Recess." She turns on the TV.

One day in 1990 Kim walked down the hall at Heritage Nursing Home. She saw another young worker. "Hi!" she said. He smiled. They passed, and she looked back. He had a cute ponytail and a "perfect butt," she remembers. She told the girls. I saw this HOT guy from dietary! Had a great ... Margo Davidson spoke up. "That's my son!" Kim was embarrassed. But she thinks Margo was proud. Chris was shy, and it took Kim three months to get a date. The day after Valentine's, they ate at Chuck E. Cheese. "He had a rose and a card for me," Kim remembers. "It was so sweet!" She was outgoing, upbeat. Chris was quiet, but funny. "He was so nice and sweet and shy," she says. And cute. "I was just in love with him from the start!"

"We got married on the beach," Kim says. "Did the whole barefoot thing!" It was Oct. 7, 1999, her birthday. On Fort Walton Beach, Fla. The sun set on the Gulf. The waves rolled just so, and the water shone teal. "And the sand down there is so white!" Kim says. Her dress' white sleeves flowed. You look like an angel, Chris said. He gave her a rose.

This month would have been their fifth anniversary. Kim's going to Florida. She'll stay with a girlfriend, and sit on the beach. By herself. She tells Christian: "Think I'll talk to Daddy."

In the Line of Duty

We will not forget the sacrifice.



Kim Burgert lays son, Christian, down for his nap

"Everything was just really good," Kim says. They'd been so young at first. But it was real. "Whenever we could we always were together." They took birthdays off. He picked up around the house, and she left Crock Pot suppers nights she worked. They knew each other. "We were always leaving little love notes," Kim says — maybe on the bathroom mirror, maybe on the car. "Can't wait to see you when you get home." Or: "I nubby-nub you forever!"

The ultrasound showed it plainly. A boy. "Chris jumped up and down, literally!" Kim remembers.

es! ... Yes! he yelled. "He was so excited he was having a son!" He coached him through labor. "It was bad," she admits. Then Christian Steele urgert was there. "Chris cried." The baby was gooey, but Daddy kissed and hugged him. He loved him.

ng ago, Chris joined the Air Force National Guard. He loved it. He ssed everyone, though, when he went to Saudi Arabia after 9/11. And hated leaving Christian. "He was never afraid of dying," Kim explains. t he feared Christian growing up without knowing him.

ristian hands Kim an apple juice box. Empty. She looks at it, shocked. re more juice, Mommy!" She gets up. Christian watches Fred and ty Flintstone, and Kim brings him a new box. "Thank you!"

I always wanted to be a cop and work undercover. "I always told him to do it," Kim says — the money wasn't worth the risk. But Chris it anyway. "He was so glad when he got the Sheriff's Department ' He could travel around, take classes. "He loved the bust ... he just ! for it," she says. Everyone liked him. Former prisoners chatted with in Wal-Mart, and informants trusted him. Chris joined the Drug Force. "He really felt he was making a difference," Kim says. "He r wanted to get rid of the drug problem." One night when she got e from her walk, she saw Christian had been coloring. On walls. On ances. "Chris, what have you been doing?!" she asked her husband. een on the computer looking up meth stuff." And what's your son doing? Oh, he's been good. ... Fighting meth. It absorbed him.

ayed golf and tennis, worked out, read. But he especially loved time Christian. Chris stuffed him in a papoose and took him hiking. here! He tried to teach him miniature golf. He took him to the ouse. "He did everything with Christian," Kim says. "He was just ad."

so beautiful!" she tells Christian. "He looks like his Daddy" — ne eyes. "I used to be jealous of that," she admits. "But now y's glad."

ped it was "some kind of horrible mistake." Yet she also wanted him one last time before they took him to the funeral home. ve him one last kiss." She couldn't. About 10:30 that night the

coroner called. It was true. She spoke at Chris' funeral. "I wanted them to know what kind of person Chris was." A cold wind raked the cemetery. Guard soldiers folded the flag, and one presented it to Kim. She sobbed.

Today, she works per diem in nursing. In the meantime, she's in Mansfield University's R.N.-to-master's program, something she's always wanted to do. "I want to teach nursing," she explains. It will also free her at night to care for Christian. Paul, Chris' brother, has an apartment downstairs and helps baby-sit. "I'm so impressed with everyone's kindness," Kim says. And grateful. So life's falling into a new kind of normal. But a painful normal. A friend gave her a sheriff's-star necklace. She hangs it in the car instead of wearing it. People would ask: Are you married to a deputy? "It's just too hard to answer that question," Kim says. How does she say "I was"?

"I cry every day," Kim says. "I really, really miss him. And I miss him a lot." She wants Chris back. She can't have him back. "I miss the way he smiles. I miss touching him." It doesn't seem real. Yes, she's angry. "I try to keep that in check," she says, because she doesn't want Christian growing up that way. Still — "They took away someone who ... was a great dad and a great husband."

Christian doesn't understand death. But he knows about the twinkle stars. "We're taking very small steps," Kim says. She got matching necklaces, gave one to Christian and took the other to Chris' grave. "I think it's hard on him." She keeps his routine as normal as possible. Some nights they "talk" to Daddy. And sometimes, Christian says it plainly: "I miss Daddy Pooky." "I miss him, too." "I love Daddy Pooky." "I love him, too."

Kim and Chris dreamed of traveling. "Chris will never get to do any of that stuff," Kim says. So this summer she took a cruise with her sister, and saw Niagara Falls with Christian. She'll try to take him more places. "I just know that ... Chris wouldn't want me sitting around mourning ... being depressed all the time." She keeps living. She has to. "I have Christian. He's just wonderful. He keeps me going," she says. "I have to keep going for him."

She rubs Christian's hair. "I love you!" He's only 3. But Christian's given Kim something special. "He's been my main source of strength."

"Twinkle, twinkle, little star. How I wonder what you are." Mommy finishes the song. They talk. Then his sky-blue eyes close, and his gold head melts into sleep.

Tomorrow's another day.

Six Months Later: Memories

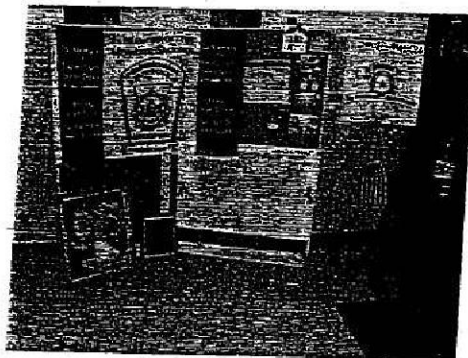
BY NANCY COLEMAN - The Daily and Sunday Review - Towanda, PA

Steve Evans lifts the photo off his windowsill. It shows Chris Burgert. On the day he'd stopped at his dad's home in his new deputy sheriff's uniform. He was so proud of it. Chris smiles his gentle, boyish smile. His dark tie's knotted just so. He wears a gun and badge. The

We will not forget the sacrifice.

Bradford County sheriff lays the picture on his desk. Yellow sticky notes ring his jotted-up calendar; "Pennsylvania Sheriff's Association," reads a glass pyramid by it. "God's Word for Peace Officers" is propped on the desk.

Evans is busy. But last spring, he lost two deputies — Chris Burger and Mike VanKuren. Today, a black band shrouds his badge. Evans speaks quietly. He seems tired. Now and then, he gently taps a pen on the calendar as he thinks. He's busy. But not too busy to remember friends.



March 31, 2004, was busy, too. "That morning Mike came in at 8," Evans recalls. Mike had planned to drive a prisoner down from Greene, N.Y., for court business. But it was canceled. So he and Chris left on other work. A sheriff's sale was scheduled. Attorneys and others darted around the courthouse. Evans' phone rang. It was the 911 dispatcher. Do you have two deputies in such-and-such a place? There was trouble. Evans didn't know just what had happened. "And I did not know until I got to the scene and I was told by the state police." He pauses. He looks down. "It was an incredible blow." Mike and Chris were dead.

Evans met Mike years ago. He saw him play basketball at Northeast Bradford, and later Mike took Evans' place with the Rome-area police. He was a "big guy ... nice guy. Certainly athletic," Evans says. "Just struck me as a good person." Mike applied for the Sheriff's Office. "Mike ... had proven himself to be a qualified police officer in his work at Rome-Orwell," Evans says. "His experience made him an easy pick."

Chris, though, was a beginner. "I hired Chris at the jail as a corrections officer," Evans explains. He was "quiet, serious. ... Chris had kind of a friendly aura about him, a non-threatening aura." He cared about people. Wanted to do the right thing. "I never knew anyone that met him that didn't like him." Evans picks up the photo. He looks at it. He sets it back on the sill. Chris, too, later applied for the Sheriff's Office. "I selected Chris from a number of people who applied," Evans explains. He'd attended Mansfield University part time -- "for one purpose," Evans says ... to be eligible to become a deputy sheriff. He wanted the job. Chris learned, got confidence. Serious about fighting methamphetamine, he joined the Drug Task Force. He'd seen meth hurt people.

In the meantime, Mike taught classes, did warrant work, and went out with Montana, his

drug dog. He trusted himself. "Mike was always ... gifted with a confidence in his abilities," Evans says. "He was a man's man." The two never slacked. "I believe both of these men got their feeling of self-worth," Evans says, "by doing things knowing when they drove home they had done good things."

Now they were gone.

Evans had to tell their wives. Then he returned to the scene. He stayed 38 hours. Then there were arrangements. Viewings. Funerals. Speakers tried to comfort. "It was difficult, I believe, for anyone to find comfort," Evans says. His other deputies, he says, felt shock. Grief. "I would say it would be comparable to being told that your twin brother was suddenly gone." Then they had to get back into the routine. But how? "You really have to focus on each step," Evans says. Minute by minute. Make this call. Write that down. Don't think about ... IT. They'd lost 25 percent of their force, and 15 years' experience — Mike with nine and Chris, six. But work got done. Maybe because of one thought: "Chris and Mike would insist that we continue." They weren't alone. After the tragedy, more than 400 officers swooped onto the crime scene. "They came from all over the state," Evans says. Officers who didn't have to help came at night after their shifts — to help. "Sorry it took so long," they'd say. Some helped plan the funerals — Evans especially praises Sgt. Lou Altieri of the state police for that. Others helped with daily tasks. "These guys were saying, 'I'm going to send people. What day do you need them?'" Evans says. They cared. But inside, the loss is hard. "It's a very, very heavy weight."

They hired two new deputies. The staff's full again. Evans thinks local officers are more safety-conscious today. "Just be careful," they say. "Do you need help?" voices say on the radio. "It certainly has dramatically illustrated how unsafe a county can be," Evans says, "with the issues that we face now." The department bought grave

vases. Chris' dad gave Evans the photo. On map in the courthouse, pins mark police departments that sent condolences. A tiny forest sprouts from Pennsylvania. But pins also march into Virginia, Ohio, Montana, Florida, Arizona, California, Hawaii. Black and white words on banners recite the grim story: "In memory of the ultimate sacrifice" ... "Michael VanKuren" ... "Christopher Burger" ... "Killed In The Line Of Duty." Below stands a painting of sunflowers. Petals glow in the dark.

Evans' feelings now? He pauses. He thinks. Finally: "As I work every day, not only in running the Sheriff's Office but to try in every way possible to get the anti-meth message out there, every minute of every day I remember Chris and Mike. "Memories are never absent from me." He twists the pen. He looks down at his hands. "We lost two dedicated, hard-working public servants and I think, I believe, they would expect me to continue in a fight that they had participated in and vigorously participated in. ... "If they were here, they would be."

Good memories soothe, like cool water on a burn. Like Mike telling Evans one car had engine trouble. What's the matter? "I think it's an internal problem!" Or Evans and Chris in a messy attic. Cobwebs stuck to Chris' face. Do I look like that? the sheriff asked. "And he told me, no, that mine was covered with cobwebs!" Or the guys hiding dog biscuits under Chris' chair, so Montana would bug him. Remember when ... ? the guys say. "I think that's a good thing."

As Mike's funeral procession drove Route 17 that cold day, Evans saw a truck driver pulled over, with a child. They held something. A blanket? No. A U.S. flag. "The public has been so supportive," he says. "I greatly admire the people of Bradford County." Everyone feels the loss. Evans recently visited the state deputies' academy. To begin class, students stood at attention and someone carried in a plaque honoring Chris. Then they had a moment of silence. "They do not start their class without that every day," Evans states. He doesn't know how to ever thank the public. "I don't know how many of us would have gotten through the immediate aftermath of this tragedy without the support of the public that they showed in so many ways."

There's more work. "I think the goal is to continue on our quest," Evans says. "And I believe our mission is to provide Bradford County with the most professional Sheriff's

We will not forget the sacrifice.

Office possible." Mike and Chris made him a better person, Evans believes. "What I learned from Mike was: Mike was a guy that felt strongly when you were determined there was nothing that you couldn't do," he says. "And Chris was a guy that showed me that you don't give up."

Someone's slipped papers under Evans' door. Visitors crowd the front office. The sheriff walks into the courthouse. He's busy. But not too busy to remember.

Community Supports Deputies' Families

The Review - Towanda, PA

People care. And Jeff Carr of First Citizens Bank can show you. He has a list of names covering four pages in a ledger, two rows per page. They're the names of people who donated to the Fallen Deputies Fund. "It's impressive!" he said.

Towanda businessmen Roger Brown and Jeff Osmond started the fund last spring after Bradford County sheriff's deputies Michael VanKuren and Christopher Burgert were killed. Brown and Osmond started it as fund offering reward money for information leading to the arrest of a suspect in the shootings. After a suspect was arrested, they changed it into a trust fund to benefit the victims' families.

"Somebody needed to step up to the plate," and ask the community to help, Brown noted. "These two gentlemen paid the ultimate sacrifice" — so area residents can be safe. As of mid-October, the fund had collected about \$76,500, according to Carr.

Donors have included private individuals, schools, municipalities, business people, medical employees and law enforcement agencies. "We get it from out of state," Carr said. Donations have even come from Georgia. Carr was reluctant to list donors, fearing he will omit a name. Brown did report that he received a donation of 50 \$100 bills from a businessman who wished to remain anonymous. Carr said a \$3,200 cashier's check was received as well.

Scholarship funds also were set up for the VanKuren and Burgert children at other businesses. Money from the fund is disbursed monthly to the deputies' widows and children.

The Fallen Deputies Fund is still open and those wishing may send donations to: First Citizens National Bank, 111-113 Main St, Towanda, Pa. 18848. Or they may be left at any First Citizens branch.

The Christian S. Burgert Continuing Education Fund was established last spring to benefit Burgert's son. According to Burgert's widow, Kim, the account holds about \$7,000. Most have been from private donations. It is still active.

A scholarship fund was also set up for the VanKuren children, at Citizens and Northern Bank. Due to privacy regulations, the bank cannot release information on the amount donated. A bank official, however, noted the funds have been distributed to the children and the account is closed. Most of the money in that account apparently came from private donations, also.

Elane VanKuren, Michael's widow, did not comment on the dollar amount raised for the scholarship fund. She did note, though, "They were generous." The community's generosity was "astounding," she commented, referring to area fund-raisers and money given to the Fallen Deputy Fund and the VanKuren children's account.

Major donations to the Fallen Deputies Fund, the scholarship funds or the families have included, but are not limited to:

A July auction at the Best Western, Sayre, sponsored by the Sayre Police Benevolent Association, which raised \$13,000; a car and boat raffle at that event, plus an earlier dinner dance, \$7,000; a motorcycle ride in May by Shepard Hills Country Club, \$6,010; raffles by the Elmira Police Department Wives, \$4,447; a Nate Bump bar raffle by the Windham Township Volunteers, more than \$3,000; Towanda Borough Council, \$2,000; Ulster Township supervisors, \$1,000; Monroe Borough Council, \$1,000; Sayre Borough Council, \$1,000; an Easter dinner at Cookie's Canteen, \$840; a donkey basketball game by the DuPont and Osram-Sylvania employees; a spaghetti dinner at the JFK Hall, organized by Kathy Arcangeli of Burdett, N.Y.; and a motorcycle ride during Riverfest, by Hurley's Supermarket.

"We Risk Our Lives To Protect Yours"

Written by: Sheriff Todd A. Martin- Monroe County

On March 31, 2004, two deputy sheriffs from Bradford County, PA were gunned down and murdered while performing their incumbent duties while attempting to locate and arrest a defendant on a warrant.

This task, like many, thought by most of us to be "simple" or "routine" on any such day, can turn into a nightmare of all sorts, including the worst, the deaths of a fellow officer, yet alone two at the same time.

The Pennsylvania Sheriff

On this date, at approximately 11:00 am, Deputy Michael VanKuren, 36 years old, and Deputy Chris Burgert, 30 years old, were killed in the line of duty performing their assigned task, both at point blank range, both wearing their ballistic vests, though both ambushed within seconds of each other as they exited their vehicles.

These deputies were two of the most experienced deputies within the small Sheriff's Office of Bradford County, though even in the light of

We will not forget the sacrifice.

assigning "the best of the best" to this daily, dangerous and many times unheralded assignment, these men gave up their lives to serve and protect "we the people" who many times take for granted the service our County Sheriffs provide to their respective bailiwicks.

As a 23 year veteran of the Sheriff's Office, I can tell you first hand that the jobs and services we provide daily parallel many of the same duties as a "Police Officer", though in many ways they're different and at times even more dangerous.

Even within the law enforcement profession itself, many "police officers" don't acknowledge or accept those "law enforcement" officers who've chosen to dedicate themselves to a Sheriff's Office as an "equal" or even as a "bonafide" law enforcement officer. Sad to say; but the truth in many officers' eyes.

Situations such as that involving the murders of Deputy Burgert & Van Kuren are many times those that we can prepare for, though many times like an "ambush" during the battles of war, no one can predict when, where or how it will happen. With the wide variety of service each individual Sheriff's Office provides throughout the hundreds of square miles they're bound to cover, many times it is the deputies who innocently first stumble upon the "meth" labs, the drug infested households, the domestic & child abuse cases, and outstanding fugitives, who work daily at finding ways to hide and to prevent their capture at any and all risks.

Unlike police officers who the majority of the time are dispatched to a scene, a fight, a burglary, or an act of domestic violence, the majority of the time they have time to prepare themselves for what they're about to partake.

Deputies who've been assigned to "civil process" or "non-criminal" as a daily assignment many times has no idea what lurks behind the door, even at those residences that they may have stopped to merely ask for directions or information.

It's behind those doors that one may find an individual who may be wanted on a felony warrant or a household that may on the outside look like the "Walton's Homestead", but behind the door lives the dangers of a "meth" lab or a fugitive "thinking" that the uniformed deputies are there to arrest him!

These two men, like many of the men and women in law enforcement today willingly risk their lives daily to make the lives of those we serve safer. Deputy Burgert & Deputy VanKuren both paid the ultimate price of their lives in performing the duties of a profession they chose as public servants. The left behind families, friends, co-workers and the many residents they served daily.

Bradford County Sheriff Steve Evans has been a close friend of mine for many years and to see the devastation that this incident caused within this tranquil county was a lesson to be learned by all. The outpouring of support and assistance to the families of the deceased, the coworkers and their families, and the Sheriff's Office by the hundreds of law enforcement officers and agencies who attended the viewings and burials of these men was bigger than life itself.

I had the honor and opportunity to be asked by our Executive Director, Jim Hazen of the Pennsylvania Sheriffs' Association, to gather the "troops"

and work together with our fellow sheriffs and their staff to collectively pay our respects to these men and to commemorate their honor and dedication to our profession, their families, and their honorable service. On both days, we all stood in brutal weather, shoulder to shoulder, at the church and then again in the grassy fields at the final resting places of our comrades. We did so out of respect and honor, for the integrity they brought to the job daily and the mission of "Service Before Self" which found in only a few who've chosen the unselfish careers in Public Safety, Public Service and Law Enforcement.

The deaths of these two men have hit hard across the Commonwealth and many times we take for granted the length of the healing process that it will take many to overcome when dealing with the loss under these circumstances. The loss of a father to their children, a husband to their wives, a son to their parents, a brother to their siblings and the loss to their friends and co-workers.

In closing, I would ask that you keep in mind the honor and unselfishness many of today's Law Enforcement Officers, Firefighters and Emergency Medical Tech's bring to our houses each day if their services are called upon. They risk their lives knowingly each day be it through the dangers of their jobs, through the hands of criminals and arsonists or through the possibilities of coming in contact with diseases such as AIDS or Hepatitis for merely being the first responder to a scene or the shield between two combatants or a family quarrel gone sour.

The next time you get a chance during your busy lifestyles, take a quiet moment and say a prayer for Deputy Burgert & Deputy VanKuren and their families, say a prayer for someone you know personally who has chosen a profession who's services require the chances one must take to protect and serve, be it our communities or for those of our service men & women who have given us the freedom of life and the liberty of choice and honor.....a simple "thanks", an unsolicited hug or even a note of encouragement goes a long way and makes it easier for many of us to prepare for the worst, so that others less fortunate can live to see a brighter tomorrow!

*In fond memory of Deputy Burgert
& Deputy VanKuren.... God Bless!*

Sheriffs and Deputy Sheriffs Killed In the Line of Duty throughout Pennsylvania's History

Deputy Sheriff Michael VanKuren Bradford County	March 31, 2004
Deputy Sheriff Christopher Burgert Bradford County	March 31, 2004
Deputy Sheriff Douglas Paul Hartman Lehigh County	July 7, 1992
Deputy Sheriff Mark Robinson Delaware County	November 16, 1988
Deputy Sheriff George M. Warta, Jr. Bucks County	September 22, 1986
Deputy Sheriff Thomas A. Bateman Bucks County	September 22, 1986
Deputy Sheriff Edward M. Butko, Jr. Allegheny County	September 29, 1983
Deputy Sheriff James Robert Milcarek, Sr. Allegheny County	November 18, 1983
Deputy Sheriff James J. Jardine, Jr. Delaware County	April 17, 1978
Deputy Sheriff Eugene Boyarski Luzerne County	February 14, 1976
Deputy Sheriff Samuel W. VanAuken Monroe County	December 15, 1974
Sheriff James R. Lauer Northumberland County	May 27, 1959
Deputy Sheriff Curtis D. Sowers York County	May 21, 1929
Sheriff Abram L. Kulp Bucks County	February 24, 1927
Sheriff Mark Sensenbach Lehigh County	September 8, 1926
Deputy Sheriff Harry Siegfried Lehigh County	September 8, 1926
Deputy Sheriff Samuel Robert Evans Lackawanna County	September 9, 1921
Sheriff Benjamin F. Ireby Chester County	January 3, 1887
Deputy Sheriff Nathan Ogden Northampton County	January 20, 1771

**DEPUTY SHERIFF'S ASSOCIATION of PENNSYLVANIA
&
NORTHAMPTON COUNTY DEPUTY SHERIFF'S ASSOCIATION**

**REMARKS PRESENTED IN TESTIMONY BEFORE THE
HONORABLE MEMBERS OF THE JUDICIARY COMMITTEE OF
THE PENNSYLVANIA HOUSE OF REPRESENTATIVES.
HOUSE BILL 466
FEBRUARY 21, 2008**

EXHIBIT "C"



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

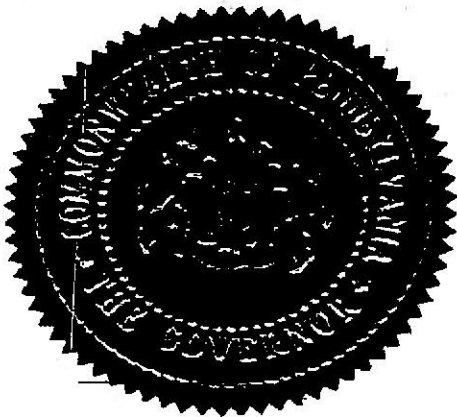
TO: WARREN COUNTY SHERIFF'S DEPUTIES

It gives me great pleasure and pride to add my voice to those of your families, colleagues, fellow residents, and the New York State SHIELDS organization in congratulating and thanking you for your service and bravery in helping to capture former fugitive Ralph "Bucky" Phillips.

On a daily basis, you all bring unmatched professionalism and expertise to the force—your dedication to your work and compassion for the citizens you serve make you invaluable leaders and some of the department's most distinguished members. The work you did during that harrowing chase is commendable and something of which you should be proud.

You not only perform your duties with great skill, but—as was the case with this assignment—you also surpass the basic requirements, risking your life in unpredictable and dangerous situations to ensure that your fellow citizens are safe. I wish to express my most sincere gratitude to Deputies John Zingone, Keith Sorensen, Kimio Nelson, and Dan Michaels, as well as Sheriff Larry Kopko, for your efforts that day and always. I am thankful for all you give to Warren County and our entire commonwealth.

As Governor and on behalf of all Pennsylvanians, I thank you for your honorable service and courage. Best wishes for much success in the coming years.



Edward G. Rendell

EDWARD G. RENDELL
Governor
December 2006

**DEPUTY SHERIFF'S ASSOCIATION of PENNSYLVANIA
&
NORTHAMPTON COUNTY DEPUTY SHERIFF'S ASSOCIATION**

**REMARKS PRESENTED IN TESTIMONY BEFORE THE
HONORABLE MEMBERS OF THE JUDICIARY COMMITTEE OF
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HOUSE BILL 466
FEBRUARY 21, 2008**

EXHIBIT "D"

**DEPUTY SHERIFF'S ASSOCIATION of PENNSYLVANIA
&
NORTHAMPTON COUNTY DEPUTY SHERIFF'S ASSOCIATION**

**REMARKS PRESENTED IN TESTIMONY BEFORE THE
HONORABLE MEMBERS OF THE JUDICIARY COMMITTEE OF
THE PENNSYLVANIA HOUSE OF REPRESENTATIVES.
HOUSE BILL 466
FEBRUARY 21, 2008**

EXHIBIT "E" E



DEPUTY SHERIFFS' BASIC TRAINING CURRICULUM SUMMARY

760-HOUR

Under contract with the Deputy Sheriffs' Education and Training Board of the Pennsylvania Commission on Crime and Delinquency (PCCD), Temple University Department of Criminal Justice developed this curriculum to expand the deputy sheriffs' basic training program. The ability to expand basic training was provided by the General Assembly in Act 1998-10, which amended Act 1984-2, the Deputy Sheriffs' Education and Training Act.

At the direction of the Board, Temple University developed this curriculum in a manner that ensured the training is directly applicable to the varied roles filled by sheriffs' offices throughout the Commonwealth. Temple conducted a survey of deputy sheriff duties and responsibilities, and their frequency and criticality. Subsequently, focus group meetings further developed information gathered in the survey. All 67 sheriffs' offices in the Commonwealth had the opportunity to provide input during the process.

As curriculum development proceeded, during 1999/00, Temple University worked closely with the Board, the Pennsylvania Sheriffs' Association, and the Deputy Sheriffs' Association of Pennsylvania. Pilot-testing of the curriculum in 2000/01 saw the Board's training delivery contractor, Pennsylvania State University Justice and Safety Institute, and Temple further refining content and delivery, focusing on the integration of hands-on, practical skills with the traditionally academic areas of instruction.

As approved by the Deputy Sheriffs' Education and Training Board, this curriculum is intended to provide entry-level deputy sheriffs with the skills and knowledge to perform their myriad duties and responsibilities in a manner that will benefit the justice system and the citizens of Pennsylvania. This basic training is intended to provide deputy sheriffs with:

Knowledge of their role and authority in the administration of civil and criminal justice and the role of the justice system in society;

Knowledge of the law, constitutional authority and procedural rules associated with the duties and responsibilities of sheriffs' offices;

Skills to competently perform duties in court security, prisoner transportation, law enforcement, civil process, use of force, emergency medical situations, warrant service, and public safety; and,

An attitude of professionalism and the abilities of observation, analysis and

communication that are necessary to the effective performance of all assigned duties.

Module 1 12 hours Introduction to the Criminal Justice System

This module traces the history of the major institutions of the criminal justice system from Anglo-Saxon England to the present. The history of the powers of the sheriff, constable and police officer are presented in the context of the development of the authority and functions of these offices. The role of the sheriff and how that role has changed is a particular focus of this module. Each of the major law enforcement agencies in the Commonwealth is viewed in the context of the overall criminal justice system, including the courts, corrections and the relationship of the sheriff's office with municipal and state police agencies.

Module 2 16 hours Court System

8 hours Unified Court System

This topic area is designed to provide the deputy with a basic understanding of the court system in Pennsylvania. Deputy sheriffs work closely with and have statutory responsibilities to the courts; therefore, deputies need an understanding of the structure and operation of Pennsylvania courts, especially the county courts, district justice courts and the Court of Common Pleas. Additionally, the deputy will be afforded the opportunity to understand the relationship of the county courts to the Commonwealth's two appeals courts and the Pennsylvania Supreme Court. This curriculum module also includes information concerning the Federal courts and the relationship of those courts to the state courts.

8 hours Court Facility Security

This section is designed to integrate classroom instruction and hands-on activities. It is designed to extend the deputies' understanding of the courts to include the deputies' role in providing courthouse security. The module contains classroom review of the security functions of the sheriff's office and practical hands-on experience with security drills.

Module 3 61 hours Civil Law

45 hours Civil Law and Civil Procedure

In this topic, the trainee will receive a basic understanding of civil law with an emphasis on the procedural aspects of the law that pertain to the responsibilities of the sheriff's office. This includes civil tort and liability law, sales and contract law, real estate law, labor law, domestic and family law. The emphasis throughout this module is the deputies' role in the procedural aspects of the civil law including notice, posting, and publication, service, levies, garnishments, seizures, warehousing, execution of judgments, sheriff's sales, writs, injunctions,

court orders, including protection from abuse and protection orders.

11 hours Crowd Control: Strikes

This addendum to the civil law module includes exercises based on the tactics and skills associated with crowd control, especially relating to sheriff's office responsibilities in labor actions and strikes. The focus is on individual actions and responsibilities with an emphasis on officer survival skills.

5 hours Domestic Violence/Protection from Abuse Orders

A second practical addendum to the civil law module, this area provides the deputy with an understanding of the dynamics of domestic violence. It also provides hands-on experience with the service of protection from abuse orders and the skills and tactics needed to deal with domestic situations the deputy may encounter in this critical area of responsibility.

Module 4 60 hours Criminal Law

56 hours Crimes Code and Criminal Procedure

Beginning with the development of the Common Law of England and the Commonwealth of Pennsylvania, the nature and structure of the law is explained. A brief history of the Common Law is followed by a detailed description of the elements of the law and definitions of the major terms associated with the Pennsylvania Crimes Code. This is followed by a careful review of the significant specific offenses in Title 18 of Pennsylvania Consolidated Statutes. The major rules of criminal procedure are explained and the powers of arrest of a deputy sheriff are covered in detail.

4 hours Use of Force

The legal and practical aspects of the use of force are addressed in this section. The legal doctrines of authority and justification are covered with special emphasis on the need for the deputy to understand the critical nature of this area of responsibility. The concept of a use of force continuum is explored as well as the need for each deputy to understand and be able to articulate why force decisions are made. The legal aspects of Use of Force are also integrated into a number of hands-on modules, including: Firearms, Control and Defensive Tactics, and Less Than Lethal Weapons.

Module 5 8 hours Other Legal Issues

7 hours Miscellaneous Laws Impacting on Deputy Sheriffs'

Aspects of the mental health law, liquor laws, and the juvenile justice system as

they pertain to the responsibilities of the deputy, are covered in this section.

1 hour Pennsylvania Victim Compensation Program

The Commonwealth's victim compensation legislation, victim's rights and the associated responsibilities of law enforcement officers are discussed in this topic area.

Module 6 16 hours Managing Security

10 hours Physical and Judicial Security

This module provides the deputy with a complete and detailed exploration of the theory and practice of personnel, information, and physical security related to the courthouse, courtroom and county property. In addition to the physical security this section addresses the security of persons including judges, prosecutors, witnesses, jury, and defendants.

3 hours Managing Jury Security

This hands-on section emphasizes tactics, techniques and skills needed to provide protection for juries.

3 hours Managing Access Control Points

This section provides trainees with techniques and skills needed to provide courtroom and courthouse access security, as aided by walk-through and hand-held metal detectors. Emphasis is also placed on conducting searches and recognizing concealed weapons.

Module 7 14 hours Managing Prisoners

12 hours Prisoner Transportation

This module is designed to equip trainees with the knowledge and skills needed to safely transport prisoners to and from the court and prisons or holding areas. This basic coverage of the topic area includes the principles of planning, intelligence, vehicle preparation, route hazards, food, fuel, and layover dangers and arrival considerations, and all pertinent safety issues associated with this area of responsibility.

2 hours Search and Restraint

This section is designed to provide an opportunity to experientially acquire skills needed to conduct a safe and complete search of a prisoner, properly use

restraints, and ensure the safety of deputies and others in transportation situations.

Module 8 49 hours Advanced First Aid/CPR

This module is an adaptation of the Red Cross advanced first aid and CPR courses. Trainees receive certification as an Emergency/First Responder and in CPR for the Professional Rescuer. Additionally, this module includes subject matter of special interest to deputies who are often called upon to act in situations involving a medical emergency. These include the administration of oxygen using adjuncts and preventing disease transmission, including the use of personal protection equipment. Additionally, trainees are provided training on the employment and operation of the Automated External Defibrillator (AED) that meets or exceeds industry standards for operator's certification for these devices.

Module 9 16 hours Crisis Intervention

This module is divided into two segments. The first eleven hours are devoted to classroom instruction in the theory and techniques associated with crisis intervention and de-escalation skills. The remaining five hours are utilized to provide the deputy with practice in the skills needed to successfully intervene in a crisis situation or a situation that has the potential to escalate to a crisis level. The theory and techniques taught include crisis recognition, early intervention, de-escalation, crisis resolution, problem solving, behavior modeling, and the coping skills associated with these techniques.

Module 10 8 hours Families in Crisis and Domestic Violence

This module is designed to familiarize the deputy with the variety of issues surrounding families in crisis and the roots of domestic violence. The deputies will be exposed to both lecture and discussion concerning the effects of alcohol and drugs on family life, financial difficulties including employment related issues, problems associated with the blended family, special characteristics of the single parent family, elder care problems, the significant signals that indicated household violence, and what steps may be undertaken to mitigate these problems or the consequences of these problems.

Module 11 80 hours Lethal Weapons

78 hours Firearms Proficiency

The firearms module is a comprehensive course in the fundamentals of weapons handling and shooting. The course covers firearm nomenclature, firearm and bullet operations, and extensive instruction in safety considerations for gun handling and gun storage, as well as a complete qualification course for

department assigned or approved handguns. This instruction includes courses of fire for low light conditions and tactical situations. An orientation and familiarization with twelve-gauge police shotguns is also included. Shooting decision situations are coordinated with the Use of Force Module to further integrate training.

2 Hours FAA Flying Armed

This is the required course developed by the Federal Aviation Administration and is required for any law enforcement officer prior to flying in a duty status with a weapon. This course provides information on properly and safely flying armed as a deputy sheriff during activities such as prisoner transport and provides each deputy with the knowledge of the administrative requirements necessary to accomplish this. Each sheriff's office has the responsibility for providing the necessary training documentation for the airline(s).

Module 12 56 hours Control and Defensive Tactics

This module along with several other practical, hands-on segments, i.e., court facility security, judicial security, prisoner transportation, etc. constitute a comprehensive adoption of the "Protective Safety System™". The lessons in this section and throughout the security and law enforcement tactics areas of the overall curriculum are a comprehensive and consistent approach to law enforcement tactical issues, security considerations, and protective services. In particular, this module is designed to teach the basic skills associated with arrest, detention, control, confinement, transportation of suspects and prisoners, along with self-defense and officer safety skills.

Module 13 10 hours Less than Lethal Weapons

This module is devoted to those skills necessary to appropriately choose and utilize less than lethal weapons, which may be available to the deputy sheriff. These are weapons that are not designed, intended, or likely to kill and include: control instruments, impact weapons such as straight, side handle and collapsed or extended batons, and chemical sprays. Areas covered include appropriate selection and use, misuse, first aid and after use issues, and alternative applications and uses for these weapons. Use of these weapons is integrated into and explained within the concept of a force continuum. Training is provided on the expandable straight baton and Oleoresin Capsicum (OC) pepper spray that meets or exceeds industry standards for certification.

Module 14 40 hours Emergency Vehicle Operations (EVOC)

This module is designed to be a complete classroom and driving range experience. The knowledge and skills taught are intended to make the trainee a competent

emergency vehicle operator under a variety of conditions encountered by deputy sheriffs including prisoner transportation, protective services situations, low, medium, and high speed response and pursuit situations, and first responder assignments. The risks and dangers of pursuit driving are highlighted. This course emphasizes safety, includes defensive driving skills and tactics, and meets the training requirements for emergency vehicle operators in Pennsylvania. This instruction is in compliance with the Pennsylvania Vehicle Code on emergency vehicle operations and incorporates guidelines on emergency vehicle operations from the Department of Transportation, National Highway Traffic Safety Administration, and the National Safety Council.

Module 15 30 hours Communications

4 hours Overview

This section of the communications module is an introduction to the subject of communications in general. It covers the basic communication theory emphasizing the importance of communications in all aspects of a deputy's duties.

4 hours One on One Communications

This section covers the basic principles of person-to-person communication including verbal and non-verbal methods of conveying messages. It includes a discussion of basic information gathering (listening) and informing (speaking one on one) as well as briefly highlighting interviewing techniques.

2 hours Emergency Notification

One of the most critical and difficult assignments that a deputy may encounter is a death or other emergency notification. Individuals, who may be the recipient of such notification, will need to find in the deputy at least a basic level of coping skills relevant to the situation. This section will provide trainees with knowledge of those skills and practice in their utilization.

4 hours Testifying and Sworn Testimony

This section is designed to teach the trainee how to articulate well in a courtroom or deposition situation. Topic areas covered include: personal grooming, attire, demeanor, body language, verbal skills, avoidance of slang and jargon, eye contact, and framing answers.

8 hours Report Writing/Written Communications

This section provides instruction in writing, as it applies to the duties of a deputy sheriff with an emphasis on report writing. The basic principles of grammar and

spelling are covered along with suggested tips on report clarity and brevity.

8 hours Public Speaking

In the course of their duties, deputies can be called upon to speak in public to groups ranging from juries to school assemblies to representative of the print or broadcast media; therefore, it is important for deputies to understand and have practice in the basics of public speaking. This section is designed to provide the trainee with skills, practice, and a minimal comfort level in public speaking.

Module 16 8 hours Cultural Diversity

Increasingly, deputies interact with a diverse public in the courtroom, while engaged in the serving process, during law enforcement activities, and in public service encounters. This module provides instruction in the cultural perspectives and cultural differences among individuals along with a foundation for understanding diversity and the skills to professionally address such interactions.

Module 17 16 hours State and Local Anti-Terrorism Training

This module, developed by the Bureau of Justice Assistance, provides specialized training for law enforcement personnel in combating terrorism and extremist criminal activity. The basic SLATT course has been modified to include state and federal legal issues in relation to anti-terrorism.

Module 18 4 hours Special Needs Groups

This module is designed to provide the trainee with an understanding of the ways in which the mentally and physically handicapped require special consideration and resources. The module includes skills in the recognition of and dealing with individuals who may have special needs.

Module 19 16 hours Professional Development

13 hours Ethics

This section focuses on the values of the law enforcement profession and ethics as a conscious way of living and working. Examples of moral dilemmas deputies can face are discussed with an emphasis on the impact choices can have on a deputy and on the profession. The module also includes exercises in the utilization of ethical problem solving techniques.

1 hours Attributes of a Professional

This presentation is an overview of the major attributes of a professional law

enforcement officer.

2 hours Use of Force Writing

This is an application of the principles of articulation of legal, ethical, and professional ideals to the issue of the use of force and the reports and testimony that may be required.

Module 20 48 hours Physical Conditioning

Physical conditioning is a comprehensive healthy life style and exercise program with instruction in the critical aspects of a deputies' life style. Areas covered include nutrition, the avoidance of drugs and alcohol, life style decisions and regimens such as stress reduction, life choices, aerobics and resistance exercise, and training considerations. Deputies are required to meet job related physical standards set by the Board.

Module 21 56 hours PA Motor Vehicle Code

44 hours Motor Vehicle Code and Enforcement

This section will enable the deputy to develop an understanding of the governmental system for managing highway transportation in Pennsylvania. The deputy will gain knowledge of the authority and power of relevant governmental agencies and the duty of citizens, terminology and definitions associated with the vehicle code, provisions of the vehicle code related to driver licensing, the movement of vehicles and actions of people, vehicle characteristics, titling, registration and identification requirements and serious offenses related to the operation of the vehicle. Finally, the deputy will learn how to translate dangerous or reckless behavior into prohibited acts.

12 hours DUI Enforcement

This module stresses the importance of being able to skillfully recognize and properly evaluate DUI suspects, identify all aspects of drunk driving enforcement including alcohol physiology, detections steps, standardized field sobriety tests and guidelines in participating in Sobriety Checkpoints.

Module 22 24 hours Motor Vehicle Collision Investigation/Hazardous Material

This module is intended to provide participants with training on accident investigation procedures. Course topical areas include essential report writing,

elements of the accident report form, accident diagrams, and an introduction to the basics of accident reconstruction. This module will also review the proper procedures when responding to a traffic accident involving a hazardous materials carrier.

Module 23 60 hours Patrol Procedures and Operations

As probably the most visible and important functions of law enforcement, this section of the training curriculum provides the deputy sheriff with an understanding of the patrol function including an overview of the history and importance of patrol, the various types of patrol in which a deputy might engage, and a number of patrol techniques as they apply to specific incidents commonly encountered by law enforcement officers assigned to patrol duty.

Module 24 44 hours Principles of Criminal Investigations

This section provides training directly related to the investigatory powers of Commonwealth deputy sheriffs and the role these deputies play in the criminal investigation process. The requirements of a thorough preliminary investigation, the protection of the crime scene, and the interviewing of victims and witnesses are stressed in this section of training, as well as the development of sound practices in the identification, collection and preservation of evidence, that will subsequently be used in a criminal proceeding.

Module 25 8 hours Law Enforcement Technologies

This course of instruction introduces deputies to emerging technologies in the criminal justice field. Deputies returning to their departments have consistently demonstrated that they are catalysts for change within the various sheriffs' offices. New technologies such as data sharing, communications, investigations, and less than lethal force are showcased for the deputies.