

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
LABOR RELATIONS COMMITTEE

DANVILLE ELKS LODGE
DANVILLE, PENNSYLVANIA

AUGUST 23, 2010
1: 30 P. M

BEFORE:

HONORABLE ROBERT BELFANTI, JR. , MAJORITY CHAIRMAN
HONORABLE MARC GERGELY
HONORABLE NEAL GOODMAN
HONORABLE PATRICK HARKINS
HONORABLE KEVIN MURPHY
HONORABLE JOHN SABATINA, JR.
HONORABLE TIM SEIP
HONORABLE DAVID MILLARD

I N D E X

NAME	PAGE
Ray Gerri nger	9
Mark Lusk	16
Deni se Cressman	56
Robert Buehner	65
Robert Blee	86
Trevor Fi nn	95

CHAIRMAN BELFANTI: The hour of 1:30 having arrived, we'll open the public hearing on House Bill 2585. As you are aware, I'm Chief Sponsor of the Bill. So if I were not Chairman, I would be sitting where Sheriff Gerringer is now instead of here. I do have some opening remarks concerning the Legislation as prime sponsor.

We have a crisis in this state. We have a couple bridges and highways and many, many other things but one of them is our law enforcement community. We seem to have going on here a turf battle between the Sheriffs and some of the other police agencies. We spent about a year having them meet by themselves as opposed to forcing a Bill through Committee. I will introduce the members in just a minute.

We attempted to have the stakeholders in this mini-controversy work this out among themselves and we thought we had agreements on several occasions. Those agreements all seemed to break down when it was time to vote the Bill. Eventually, out of frustration, I decided that we would have three public hearings beginning with my home area, Danville, where the police departments, including the Sheriffs, all work hand in hand and have no problem.

I did not schedule a hearing in Allegheny County as, in that county, they already have the same powers. In Philadelphia County, which is self-rule, it's my understanding they also have the same powers as other law

enforcement personnel.

When I mention crisis, what I'm talking about is that smaller municipalities, smaller townships are one by one giving up their police force. Some of them only had one or two police to begin with. The Legislature had many opportunities for smaller police departments to merge. Rather than do that, most of them opted to do away with their police and ask for State Police protection. In some instances, the nearest State Police lodge to a particular municipality can be 45 or 55 minutes away and that's how long those folks would have to wait in the case of a police related emergency.

This is beyond the pail and there have been several Legislative discussions on whether or not we should assess those townships per capita an amount of money equivalent to pay the State Police for the protection as a way of trying to entice them to have a police department once again or have jointures of many small municipalities that would chip in and have a police department. Again, I say, if not, there is Legislation floating around out there to charge the municipalities, the taxpayers, directly for the State Police protection.

Even in municipalities that have police departments, you will find that the number of policemen have dramatically dropped in many municipalities from ten to eight

to six to four to two full-time and two part-time, one part-time and one full-time. This is going to, if it continues, create a dilemma which we're going to have to dig out of.

Now, in my opinion, if there are counties where the police and the Sheriffs and the State Police can work things out and get together, then that means that any county, every county in my opinion, ought to be able to do that.

I know in the drug task force area which my son who was outed as an undercover state parole agent by the newspaper a week ago as the result of a court case in which he was required to give testimony -- his counties will now be changed because people know who he is.

He works very closely with the Sheriff of this county, Sheriff of other counties and the State Police and the Attorney General's Office. He tells me all the time if it weren't for the Deputy Sheriffs that are assisting in the drug task forces, we would not be making the type of busts, the number of busts that are being made now in our area's drug problem, not just this area, but the entire state.

Those are my opening remarks. In my opinion, this Legislation will require that the Deputy Sheriffs be made whole again. As a result of a couple court cases that directly relate to the State Legislature not being clear on what their responsibilities are, we have come up with Legislation, the best we could, with the parties that would

talk to us.

It's still evidently not being considered by several of the groups. I'm still receiving some mail opposing the County Sheriffs and Deputies playing a direct role in law enforcement in local municipalities. They have not, as of yet, given me any good reason for that because the testifiers today, I'm sure, will make it plain that the Sheriffs and Deputies receive almost the identical training, if not the identical training, as do the policemen, the same training the Office of Attorney General uses, the state parole agencies use and other officers that are on the street and carrying weapons.

At this time, I would like the members and the staff who are here to introduce themselves. I do expect three more members to arrive momentarily.

MR. TANNEY: My name is Ron Tanney. I'm a staff person of Rep Robert Belfanti.

REP SEIP: Tim Seip. I represent part of Berks County, part of Schuylkill County, the Cabela's and Yingling district.

MS. MANGANELLO: Joanne Manganello with the House Labor Relations Committee.

REP SABATINA: State Rep John Sabatina, Philadelphia County.

REP MILLARD: State Rep David Millard,

Columbia County.

MR. HANSON: Bruce Hanson representing Minority Chairman Dean DiGirolamo.

MS. DILEO: Vicki DiLeo. I work for Chairman Belfanti.

CHAIRMAN BELFANTI: Thank you all very much. Again, I apologize for the late start. Our caucus, as I mentioned, had a couple hour meeting on the funding crisis for bridges and roads which was set up last minute and many of the members of this Committee are attending that Committee meeting or at least half of it.

At this time, I would just like to admonish the members of the audience that this Committee meeting, even though it is not in Harrisburg, has the same weight as if it were being held in Harrisburg. We would like the decorum to remain civil throughout. We would not like to have clapping or any of that for the people that are offering testimony.

I appreciate the willingness of each of the testifiers to attend this important meeting. There will be a second meeting in Erie and a third meeting in Harrisburg. Then I intend to bring this Bill up for a vote on the House floor. Today I would like to hear from the police and Sheriffs from my district.

I'd like to welcome and thank Sheriff Ray Gerringer from Montour County for being here. Sheriff

Gerringer, the floor is yours.

SHERIFF GERRINGER: Good afternoon. First of all, before I start my testimony, I wanted to thank the Danville Elks Lodge for providing the facility for this hearing to be conducted.

I am Ray Gerringer. I'm the Sheriff of Montour County. On behalf of all Sheriffs, Deputy Sheriffs and the citizens of Montour County, thank you, Mr. Chairman and members of the Labor committee, for conducting this informational hearing on this vital issue of the power and duties of the Office of Sheriff in PA.

Let me begin by telling this Committee that I've been with the Montour County Sheriff's Office since February of 1978. In January of 2004, I was sworn in as the elected Sheriff of Montour County. On January 4th, 2008, I was sworn into my second term of office as Sheriff.

Prior to being elected Sheriff, while serving as a Deputy Sheriff, Chief Deputy Sheriff and Chief County Detective, I attended and successfully completed the prescribed courses of study with the PA Deputy Sheriffs' Education and Training Commission, the PA Municipal Police Officers' Education and Training Commission and also attended and successfully completed the PA Electronic Surveillance and Wiretapping Control Act.

In addition to the statutory courses of study,

I have also attended and completed well over 100 courses of study relating to criminal law, criminal investigations and specialized narcotics enforcement and I continue to receive yearly recertification as required under PA law.

The Montour County Sheriff's Office, like all other PA Sheriffs' offices, continue to provide its Deputy Sheriffs with training and recertification every two years for Act 2 training. Those deputies that have attended the Act 120 training receive recertification yearly by purchasing tickets from the Municipal Police Officers' Education and Training Commission. This training is the same type of training as municipal police are receiving. This training must be completed in accordance to PA law.

In Montour County, the Sheriff's Office and all municipal police work together diligently each day to continue working as a team to ensure that the citizens of Montour County receive the best law enforcement that they deserve and presently pay for.

Montour County is an eighth class county with 11 government bodies within the county which has approximately 18,236 citizens and covers approximately 131 square miles. The county only has two municipal police departments with approximately 13 full-time officers. All other municipal bodies depend on the PA State Police for law enforcement protection.

The State Police that are assigned to cover Montour County are out of the Milton Station which is located in Northumberland County. The State Police from Milton also cover part of Northumberland County and all of Union County. This station has a very large coverage area.

For many years in Montour County, the Office of Sheriff and all law enforcement agencies have worked together, side by side, on law enforcement matters and for years it has proven positive for Montour County. For the record, there is no turf war among law enforcement in Montour County. These team efforts have worked well and have made Montour County a safer place to live, work and raise a family.

Since the PA Supreme Court decision on *Kopko v. Miller* and *Commonwealth v. Dobbins*, clearly the time is now for the General Assembly to pass Legislation that clearly authorizes Sheriffs and Deputy Sheriffs to enforce the laws of this great Commonwealth.

The people of PA expect law enforcement to work aggressively to rid our communities of crime, illegal drugs and the people who sell them. PA Sheriffs have been an integral part of this mission for many years. As Sheriff of Montour County, I believe and share the same common mission as all other Sheriffs of PA, that we must protect and serve the citizens of our counties and this should be the most important service that government agencies can provide.

The need for this Legislation, House Bill 2585, is critical. Crime, drugs and gangs are escalating in small rural counties. House Bill 2585 is not a Republican or a Democratic issue. House Bill 2585 is a public safety issue. The General Assembly needs to pass the Bill and the Governor needs to sign the same into law.

As Sheriff of Montour County and the father of two wonderful children, I respectfully request the General Assembly to work in a bipartisan effort for the passage of House Bill 2585. It is imperative not only for all Pennsylvanians, but for those smaller rural counties with limited law enforcement and this Bill is critical.

Should House Bill 2585 not pass into law, the only losers will be the good citizens of this great Commonwealth and the true winners will be the drug dealers and the criminals that violate our laws each day.

As Sheriff of Montour County, I am troubled by the state associations and groups that are working to kill this Legislation that would restore the Sheriff's authority. These associations have been providing misinformation to the general public, making claims that House Bill 2585 is about expansion of power and authority and inferring that a steep rise in county budgets will be looming if this Bill becomes law. Nothing could be further from the truth.

What this Legislation does do, however, is give

the Office of Sheriff the power and authority to protect their courthouses and county property. The Legislation clearly states that Sheriffs shall not abolish or subplant an existing police department or reduce or displace the employment of any police officer. I don't see the expansion as claimed by the state associations attempting to kill this Bill.

The arguments against this Legislation are ludicrous. I challenge any one of the associations to prove me wrong. In Montour County and in all other counties of this great Commonwealth, the Sheriff's budgets and staffing are in total control by the board of county commissioners. In addition, each Sheriff must answer to the taxpayers of his or her county every four years. Simply put, if the Sheriff is not doing his job, then he or she is not going to be re-elected, unlike appointed officials.

The citizens of PA deserve the best in law enforcement. It would be absolutely unacceptable to the citizens of rural counties to not enable Sheriffs to participate in the fight against crime. Sheriffs and Deputy Sheriffs, over 2,000, already trained, already paid, stand ready to assist their law enforcement brothers and sisters when called upon. House Bill 2585 is not about taking jobs away from municipal police. It's not about more money for the Sheriff's budget. Simply put, it's about public safety.

In my 33 years with the Sheriff's Office, I

have had the honor and privilege of working in approximately 16 counties in Northeastern and Central PA. Working with local, state and federal law enforcement agencies, I've never had a negative experience. I've always had positive experiences in Montour County.

We have experienced good and bad times in Montour County. However, in all the bad times, we have stood together as brothers and sisters, as professionals, and at the end of the day, we all went home safe knowing that we worked together to get the job done.

We are very blessed in Montour County with the Danville Borough Police Department, the Mahoning Township Police Department, District Attorney Bob Buehner and all other elected officials that are here willing to work together to keep Montour County a safer place to live, work and raise a family.

I thank you in advance for your positive consideration on House Bill 2585 and I urge you to vote this Bill out of Committee.

I would entertain any questions you may have. Thank you.

CHAIRMAN BELFANTI: Thank you. Prior to asking questions, I would like to recognize two additional members who have arrived, Rep Gergely and Rep Murphy. Thank you for your attendance. We started a half hour late, so you missed half of one presentation. Next we have Mark Lusk.

Sheriff Gerringer, I would like you to remain so that we can ask both of your questions at the conclusion of the Lycoming County Sheriff's testimony.

SHERIFF LUSK: Thank you. Good afternoon, Chairman Belfanti and members of the PA House Labor Relations Committee. I apologize. I'm fighting bronchitis. I'll try to talk as clearly as I possibly can.

On behalf of the PA Sheriffs Association, I thank you for committing time from your summer recess to listen to our sincere plea to reinstate powers to all 67 Sheriffs and over 2,000 Sheriff Deputies across this Commonwealth. For over 200 years, from 1804 until the Appellate Court recently stripped the Sheriff of his power, Sheriffs have been doing their job day in and day out without private interest entities raising any issues regarding the Sheriff's powers, considering the vast amount of work that we do undertake every day throughout the year.

When the *Kopko v. Miller* and *Commonwealth v. Dobbins* rulings were made, organizations of the thin blue line in an opportunistic manner began efforts to convince our Legislature to oppose the former House Bill 466 and now House Bill 2585. As you listen to the message from all interested parties, please separate fact from fiction and the hypothetical from reality.

I am Lycoming County Sheriff Mark Lusk.

Greetings from Williamsport, PA, home of the Little League World Series, which is under way as we speak. My county is a fifth class county with a population of approximately 120,000. We are the largest geographical county in the Commonwealth of PA with 1,215 square miles and 1 city, 42 townships and 9 boroughs. There are 11 police agencies, 6 providing 24/7 on-duty protection, one college PD and the Sheriff's Office.

Although I am a first-term Sheriff, blessed to receive 80 percent of the vote, I have a unique perspective of the detriment caused as a result of Sheriffs losing their powers resulting from the court rulings and how crucial passing of HB 2585 is. I was a municipal police officer for 30 years, my last five as Chief of Police in the second largest municipality in Lycoming County.

I have been very active in law enforcement as president of the Lycoming County Law Enforcement Association for ten years, Chief Deputy Coroner for three years and now, God willing, my final career as Sheriff. I am a retired 30-year life member of the FOP and have held membership with the PA Chiefs of Police Association.

Those who know me will tell you I speak frankly and truthfully and I do not mask issues. My colleague and good friend, Sheriff Gerriinger, spoke very candidly and truthfully. As we become embroiled in debate, many times we lose sight of

the common sense in the issue and the need to do what is right for those who have elected us in the interest of their safety. Our forefathers said long ago that government's first responsibility is that of protecting its citizens.

The criminal element knows absolutely no boundaries. They have no regard whether you and I are Democrat or Republican. Lycoming County Republican Garth Everett sums up HB 2585 so well when he states, quote, it's a no-brainer, end quote. I am proud to have both he and Democratic Rep Rick Mirabito support and co-sponsor HB 2585.

I have prepared a fact or fiction list of the many seemingly legitimate reasons not to pass HB 2585. With each issue, ask yourself as a member of the Labor Committee if I should vote no for the fiction or vote yes for the facts.

Fiction: Sheriff Deputies are inadequately trained to have police powers. Fact: Sheriff Deputies receive their Deputy certification through the statutory provisions of Act 2 which is administered by PCCD. Sheriff Deputy training is 670 hours in length, 10 hours longer than the MPOETC Act 120 training. The mandatory Deputy Sheriff certification ironically provides certification in patrol procedures and operations, Motor Vehicle Code, accident investigation, DUI enforcement, criminal investigation and drug-related investigations.

Fiction: Sheriff Deputies are inadequately

trained. Fact: Sheriff Deputies are certified by PCCD if they are Act 120 certified and complete the two-week Sheriff Deputy update certification.

Fiction: If HB 2585 passes, Sheriffs could suddenly expand their offices at will, taking over municipal police departments which will result in loss of jobs for municipal police officers.

Fact: Within the past 60 days, I have been denied participation in the PA Turnpike EZ Pass program that I requested to eliminate my Sheriff vehicles from having to handle petty cash at toll booths when transporting prisoners. This denial came from the office of county commissioners with the reasoning that there would be a \$5 monthly service charge that the county told me they were not going to pay.

The point is, the PA County Code provides very clear language that every expense, every budget and appointment of additional Sheriff Office personnel is subject to county commissioner approval and county salary board approval without exception. Any expansion of any service, including the \$5 monthly service charge, is subject to the scrutiny and final approval of the board of commissioners. Additionally, HB 2585 clearly requires salary board approval for any additional Sheriff Deputies to be appointed by the Sheriff.

Fiction: Sheriff powers should not include

the need to investigate. Fact: Sheriffs had, until the courts stripped our powers, the responsibility by law to investigate and inquiry a wide range of day-to-day services that no police agency, quite frankly, would want to assume responsibility for.

Sheriffs provide some level of investigation, for example, to applicants who apply for gun permits, precious metal sales regulations applicants, protection from abuse petition service, investigating escapes of our county prison system, assaults on corrections officers by county prison inmates, and a gamut of crimes that occur within our county prison system.

My county alone has almost 2,000 active fugitive warrants. How can Sheriffs possibly do this day-to-day work without investigative powers? If we ask one investigative question, we have initiated an investigation. It is impossible to perform the multitude of functions required of us without the remedy of HB 2585.

Fiction: CCAP opposes HB 2585 maintaining it would expand our powers well beyond powers the Sheriff should have rather than restore our powers. Fact: County Code mandates that every expenditure must be approved by the commissioners. County commissioners are our legislative branch of county government. The Sheriff of each county is the executive branch of county government.

If CCAP were asked to articulate what detriment HB 2585 would cause county government, it is likely the response would have little, if any, relevancy. Although municipal police departments and officers across Lycoming County as well as across the Commonwealth universally support restoration of the Sheriff's powers, the state FOP leadership continues to oppose HB 2585. Their reasons are as follows.

Fiction: This is quoting the June 30, 2010 letter to Rep Belfanti. The director of FOP legislative affairs stated, quote, the needs of many Deputy Sheriffs in the area of compensation, benefits, pension and job security have been sorely lacking.

Fact: As members of the Labor Committee, ask your local police departments what they are paying their part-time officers and even their full-time officers. Many receive nominal pay and nominal benefits. I came from the ranks of municipal law enforcement after three decades. Many officers are paid nearly minimum wage, given no health benefits and work hours just under 40 to keep them part-time.

Lycoming County Deputy Sheriffs and the vast majority of County Sheriffs across this Commonwealth have employment packages that rival or even exceed those of municipal officers. A Deputy Sheriff in my county starts at approximately \$31,000 with full coverage for family Blue Cross and Blue Shield and a very solid pension program.

In the area of job security, the vast majority of Deputy Sheriffs statewide are career Deputies. I have Deputies serving from 1 year to 30 years of service, with an average tenure of 13 years and the 1-year Deputy replaced a 32-year Chief Deputy who just retired last year.

Fiction: In quoting the state FOP letter of opposition again, quote, we strongly believe the Sheriffs' current duties and responsibilities should remain their principal focus. When our Sheriffs cannot adequately perform these duties, this imposes a burden on the law enforcement agencies which must step in to perform these functions. The additional duties imposed by HB 2585 would entail additional personnel and resources.

Fact: Respectfully, the state FOP leadership, nor the PSTA leadership, nor PCPA leadership have any amount of reasonable understanding of what duties a Sheriff and his Deputies perform in the course of a day, nor the time involved with each task.

As a very active law enforcement officer and part of as many as 17 county, regional and statewide law enforcement-related committees, I honestly had little understanding of the duties and responsibilities of my office until I assumed that office. For the last sentence of the FOP leadership letter to suggest that there will be a need for, quote, additional personnel and resources, end quote, is a

statement made with little understanding of the role of a Sheriff.

If additional personnel and resources would suddenly be required with the passage of HB 2585, why have we not had all of the current opposition to the Sheriff's powers long before the courts removed our powers? There never existed an issue of opposition regarding Sheriff's powers until the court rulings.

While part of this Sheriff could only wish that HB 2585 would suddenly give me additional personnel and resources, HB 2585 contains very clear language, Section 2112, that clearly requires county salary boards to approve every personnel appointment that I would want to make. Any other resources must be approved within the confines of my annual budget which is, again, approved solely by the board of county commissioners.

Fiction: The FOP leadership states our current duties should be our primary focus. Fact: The FOP did not oppose what every Sheriff had done before the court rulings. My Deputy Sheriff group travels our county roads in excess of 150,000 miles annually. Approximately half of our work is inside our court buildings and half on the road and in every corner of the largest county in this Commonwealth including every neighborhood.

In many cases, residents tell me they see

Sheriff vehicles more frequently than police cars. This statement is not to cast any negativity on our law enforcement partners with whom we have a great relationship in our county. Sheriffs simply serve thousands of civil and criminal documents yearly and we are out there every day.

Our Deputies serve very dangerous PFAs which remove spouses from their homes and their children and remove their guns. Police departments rarely assist our Deputies in the services of PFAs and related dangerous documents. In their routine travels, our Deputies observe drunk drivers, dangerous Vehicle Code violations, reckless drivers speeding past Sheriff vehicles and observe criminal behavior and conduct.

With their powers stripped, are 2,000 Deputy Sheriffs really expected to turn their heads and look the other way or are they to notify local law enforcement to respond and investigate the incident when local law enforcement is asking our Deputies, why aren't you handling the incident since you were part of it from the beginning?

The only burden that FOP leadership and police departments across this Commonwealth will face if HB 2585 does not become law will be the burden created when Sheriff Deputies across the Commonwealth are required to call police departments to respond because of our inability to perform.

The vast majority PDs already face serious

manpower shortages, increased call volume and reduced response times. I know this. I lived it as a police patrol officer and police chief. Reductions of law enforcement officer numbers statewide, especially given the serious budget crisis that has existed, is more prevalent than ever before.

No one in law enforcement can deny the serious reality of having considerably less police officers and troopers on the street. Numerous departments have disbanded, stations have closed on selected midnight shifts with officers having to get called out of bed to respond and we have less uniformed personnel on our streets.

Let me give you a scenario, ladies and gentlemen of the Committee. You walk into your local courthouse and your purse or wallet is forcibly taken from you. You yell for help. Sheriff Deputies respond from within the courthouse, are at your side in a minute's notice and are very highly qualified with statutory certification, annual firearms certification, CPR certification, medical certification, taser gun certification, pepper spray certification, self-defense certification and criminal investigation training.

Additionally, our Deputies are authorized by AOPC, the Administrative Office of PA Courts, to file within our 570-plus magisterial district judges offices traffic and non-traffic citations as well as criminal complaints.

Your expectation that the Deputies will help you and will immediately begin an investigation to locate the robbery suspect is met with, sorry, ma'am or sir, you will have to tell your story again because we have to call the local police or the State Police to respond and investigate your crime as we have no investigative authority. How slow will the secondary response by a police officer with police powers be to your crime?

Deputies are prohibited from conducting any investigations even within our own courthouses. This is a true public safety travesty with the possibility of apprehending the criminal who just assaulted you diminishing by the minute. What message do we give you or do you walk away with of your criminal justice system when the public, who in a recent poll by a great majority, believe that Sheriffs have full powers?

Lycoming County alone has lost more than 30 percent of its uniformed sworn law enforcement officers since I began my career in 1977. What happens when the criminal element of our public comes to realize that Sheriffs and Sheriff Deputies have no power? How much more difficult will our career become when this occurs?

Where is the common sense in all of this when we have a group of 2,000 Deputies statewide with training that exceeds or equals that of the PA State Police officers and

municipal police officers who are told by special interest groups that we need to focus on doing our job inside our courthouse setting?

The elected Sheriffs of this Commonwealth and our Sheriff Deputy group have never faltered, ever, in the protection we have afforded our courthouses, our courts and the public who visit us every day. This is a core mission that would never be compromised by HB 2585. HB 2585, to the contrary, bolsters our ability to accomplish this core mission.

Each of us as residents of this Commonwealth have many loved ones, friends and colleagues who face crime as a major headline every day: Illicit drug activity at epidemic levels, assaults, thefts, robberies and murder more common than ever, DUI offenders responsible for hundreds of deaths of innocent victims and Megan's Law offenders more common than ever. Crime affects each and every one of us personally. The cost for crime is astronomical and increasing by the year.

What realistic and tangible reasons are there to reduce the powers of our Sheriffs? The PSA leadership has sincerely sat at the negotiating table with every interested party who has expressed written opposition to HB 2585. The PSA leadership has agreed to virtually every change that is now HB 2585.

It is clear that this is not about restoration of the powers of the Sheriff. It is about reducing the ability of having the eyes and ears of Deputy Sheriffs, 2,000 strong in 67 counties across this Commonwealth, in the effort by the opposition to strengthen their turf concerns. That's what this issue is really about.

The anti-HB 2585 organizations hierarchy are willing to paint doom and gloom and state all the negatives that will happen if HB 2585 becomes law. Yet they do not offer any positive comment if HB 2585 were to become law. They offer little, if any, positive impact of the Bill.

Sheriffs and Deputies for years have worked tirelessly at county fairs, parades, DUI checkpoints, local carnivals, US Marshal fugitive task forces, election night voter services protection, 911 motorcycle rallies, funeral motorcades for our fallen military and emergency service personnel, and for routine requests for help from local police departments who just do not have the resources they need. I have assigned Deputies again to the Little League World Series for the entire ten-day event.

Shouldn't we all take credit for what we have done to have Deputies enforcing our laws at so many different events when we are requested by local law enforcement to provide help? Are our Deputies to be expected to be present, to look good and give the appearance that they are sworn

officers expected to uphold the laws of the Commonwealth in a minute's notice or, instead, to be looked at as security officers?

What sense does it make post 9/11 to further erode our sworn law enforcement contingent across this Commonwealth in the interest of a few special interest groups that have their own special interests in mind rather than the safety of our residents?

One reading of House Bill 2585 clearly shows that passage of House Bill 2585 is a win for the organization that should come first, that organization known as the residents of the Commonwealth of PA. The PSA is not about turf battles. We never have been and never will be. We are about working as a team and as a partner with all of law enforcement throughout the Commonwealth for the common good.

Every day and in every county, dispatches go out to Deputy Sheriffs to provide immediate mutual aid assistance and backup to municipal officers, PA State Police Troopers, college police officers and even US Marshals and FBI agents who are in trouble, need help and Sheriff Deputies are, many times, the first law enforcement help on the scene.

We respond without hesitation or delay. We place our lives on that same line, recalling the murder of two Bradford County Deputies recently, of those who have called for our help. Yet we do not have the same law enforcement

powers. What sense does that make? I would suggest absolutely no sense.

Even if HB 2585 were to cause increased costs somehow or in some manner, which is simply not true, what is the cost for crimes committed statewide that your Sheriffs would otherwise have been able to prevent and the numbers of criminals that your Sheriffs would have otherwise been able to apprehend had HB 2585 become law?

I would ask each of you respectfully, after serious consideration of HB 2585, to support it. This is about doing what makes sense, doing what is a no-brainer and simply returning the powers that we, as Sheriffs, had for over 200 years. Thank you for allowing me the time to provide this testimony.

CHAIRMAN BELFANTI: Thank you, Sheriff, for your testimony. Are there members of the Committee that have questions? Rep Seip?

REP SEIP: Thank you, Mr. Chairman. Thank you for being here, both of you. It's kind of funny, Sheriff Lusk, in your testimony you talked about some of the additional duties that Deputies take on.

Back in 2008, I really never thought I'd meet the President of the United States in Girardville, but I did. President Clinton was there and helping with that security detail, just as you had said, were the Deputy Sheriffs

from the Schuylkill County Courthouse. I understand that they take on a lot of extra duties.

I've talked about this Bill with one of the highest areas of concentration of my constituents, the City of Pottsville. Chief Murton says that he supports this Bill. He would welcome the assistance of Sheriff Groody and his Deputies.

I've also talked to Sheriff Weaknecht in Berks County who talked about some unique circumstances where Deputies may be out serving warrants in the City of Reading and they encounter an instance where there's some type of illegal activity going on. I guess a lot of times it has to do with drug sales or manufacturing of drugs.

In those instances, the Deputies really don't have arrest powers to take action in that situation. They can detain the individuals, call the City of Reading Police who come in and make the arrest. Then subsequently when it goes to court, we have two members of the law enforcement community who have to go to court together to bring the case forward.

SHERIFF LUSK: That's correct.

REP SEIP: I'm guessing that this would also be an opportunity for cost saving across the county. If you could just comment on some of the things that I've talked about, I would appreciate that.

SHERIFF GERRINGER: Rep Seip, you're correct in what you just stated. Unfortunately, that's just the way it's been since the Dobbins decision and the Kopko decision. The only way that any Sheriff in PA, other than Allegheny County, can perform an investigation is they would have to have the authority. Allegheny County Sheriff's Office in Pittsburgh is the only county that has that current authority. I believe that was done in 1994. Legislation was granted to the Allegheny County Sheriff's Office.

From my standpoint locally, with Montour County being a very small county with only two police departments, it's been my experience in the 33 years that I've been with the Sheriff's Office, we've never had a problem. We've always worked hand in hand with the local police. They've assisted us. We've assisted them. Quite honestly, I'm blessed to have the cooperation and the rapport that we have locally.

But you're absolutely correct. At this point, if my Deputies are out and they're serving a PFA in Mahoning Township, then they would be required to contact Mahoning Township Police to come in to do the investigation because they don't have the authority currently to do it because the crime has to happen in our presence in order for us to make the arrest.

SHERIFF LUSK: We have Deputies who will serve

a process. We serve thousands of processes a year. They will come across drug paraphernalia, something that's clearly illicit under plain view, take possession of it, can't ask one question. I require them to bring it back. We bring it back. We have now left the scene. Try to get an officer interested, an investigator interested from an agency who has investigative powers to go back to that scene.

The first dilemma we face is access to the scene. If we're going to get into the scene, we're going to get into the scene, if not with consent, with a search warrant which is whole other three, four, five hours of paperwork just to go back and reinstitute the investigation. In the meantime, I've taken evidence that I have to put someplace, take someplace, store someplace, give to somebody.

If you were to ask the rank and file on the street if we could do it, you would find the rank and file support this Bill immeasurably.

They not just would vote for our support, but they ask for it every single day and get it every single day. It's ironic that the opposition opposes us to have our powers restored when they ask for our help every single day. If we aren't at a level capable of providing that service, then why in the world do you ask for us? That's one my biggest points of contention.

REP SEIP: If the Chairman will just indulge

me for one quick follow-up question. Sheriff Gerring, when you said about the Mahoning Township Police cooperation, it just kind of sparked something in my head.

What if you were happening to contact the State Police? And I understand they're at a compliment that's probably about 300 or so troopers less than a full compliment at this time. I'm guessing that that response time or waiting for a State Trooper would be even longer than you would be waiting for somebody from the Mahoning Township Police to arrive to make the arrest or do whatever needs to be done.

SHERIFF GERRINGER: Again, I want to be clear that I have absolutely nothing bad to say about the PA State Police. Troop F, which covers this county, we've worked hand in hand with them on a number of issues and a number of cases. I can sit here and tell you that the response time for the PA State Police in Montour County, depending on what the call is, could be anywhere from 45 minutes to an hour.

I can sit here and candidly tell you that Mahoning Township Police probably provides more assistance to the State Police than any other agency in this county. Mahoning Township Police are called quite often to assist the State Police because the State Police response time can be anywhere from 45 minutes to an hour. My experience with the State Police locally, I have no complaints whatsoever. We

work well together with them.

REP SEIP: Thank you. Thank you both for your testimony. I do want to make it clear. I'm not trying to make any kind of disparaging remarks on the State Police, but I do think with the rural nature and makeup of the Commonwealth and also in light of the fact that they are about 300 or so troopers under their statewide compliment right now and not having a cadet class -- I guess we could go on and on about some of the things that would help out not only the State Police, but our overall law enforcement system here in the Commonwealth, which I guess brings us to our hearing today. Thank you for your testimony, gentlemen. Thank you, Mr. Chairman.

CHAIRMAN BELFANTI: Rep Gergely?

REP GERGELY: Thank you, Mr. Chairman. Thank you everyone for taking the opportunity to testify today on this issue. Let me ask some functioning questions, first of all, for the record so that we have it.

I've had a great relationship with the FOP. Senate Bill 369 relating to death benefits for officers we helped guide through with great cooperation with the Labor Relations Committee from the Senate. We had that passed this year and then again my Bill, critical incident stress management which helped State Troopers, all police officers, we also got it through both of these

Committees working with the Senate and the House. Obviously, we have a relationship that is proactive. I really think this Bill is quite interesting from my perspective.

I didn't introduce myself. I am from the Mon Valley, Allegheny County. I have a second class county with active Sheriffs. I'm trying to understand a lot more of this pragmatically than many of my members here that don't have that option.

I read the testimony, Sheriff Gerring, and 18,000 citizens is similar to my third class city, McKeesport. Your whole county is similar to my one big city. I have 75 full-time police officers in one town that protects that one area. So it's very different, my urban area, than these urban areas. If you help me along as I ask these questions, I would appreciate it.

The second class County Sheriffs that have the enforcement powers, are the training different than the requirements for your training?

SHERIFF GERRINGER: No. The Deputy Sheriffs in Allegheny County go through the Act 2 training which falls under the Deputy Sheriffs' Education and Training Act. It's my understanding and my belief that every single Deputy Sheriff of Allegheny County also go through the Act 120 which is the Municipal Police Officers' Education and Training due to Allegheny County having their own police academy.

It's my understanding through talking to your Sheriff, Sheriff Mullen, that from 1994 to present, it's worked in Allegheny County and there hasn't been any issues and it hasn't raised the Sheriff's budget. So I think it should work here also.

REP GERGELY: The training that's required by Allegheny County is also what is already required for your Deputies; is that correct? There would be no additional training required than they have?

SHERIFF GERRINGER: Currently, right now, all Deputy Sheriffs in PA are required to go through the Deputy Sheriffs' Education and Training which is 19 weeks at Penn State University and that training is longer than the Act 120 training. Our opposition groups have stated that our training is not well enough but it is longer than the Municipal Police Officers' Education and Training Act. I personally believe our training is the same, if not better, than the Act 120 program.

SHERIFF LUSK: Deputies can come into our system as a Deputy Sheriff. If you have Act 120 and you come from the municipal ranks, you can come into our system, become a Deputy Sheriff if you go to the waiver school which is two weeks to give you the update that you need. So either way, you get at least what Act 120 requires which is what the opposition has not supported.

REP GERGELY: So they don't take both trainings. Let's clarify that. The Allegheny County Sheriff and Deputy Sheriffs aren't doing both trainings; is that correct? They are doing 120, not --

SHERIFF GERRINGER: I believe Allegheny County does the Act 120 and then they do the two-week training at Penn State University.

SHERIFF LUSK: Correct.

REP GERGELY: Since we're talking about Allegheny County and enforcement powers, Sheriffs already have enforcement powers. No other county has county police as well, correct, outside of Allegheny County?

SHERIFF GERRINGER: Not to my knowledge.

REP GERGELY: We have county police also.

SHERIFF GERRINGER: Correct.

REP GERGELY: Just for the record for the Committee, every one of my municipalities also has a local police department as well as county police as well as enforcement powers with Sheriffs. We have no State Police oversight whatsoever in my area.

One of my biggest complaints is that I pay for your police protection. My perspective is if you had enforcement powers from Sheriffs, that would reduce the need of you having my State Police that I pay for doing more good in my area.

I don't know if it makes sense to anybody else, but think about it. I have at least 75 officers in one community. Add up all my other communities and I have 500 to 1,000 officers at some level, not probably 1,000, but more like 500 officers protecting my 62,000 people that I represent.

Have any departments been created since the enforcement powers have been taken away from the Sheriffs in the '90s? When you started to lose your enforcement powers, have communities created departments?

SHERIFF LUSK: Additional departments?

REP GERGELY: Yes.

SHERIFF LUSK: I believe there's been a steady decline in reduction of officers across the state as a result of the last several years of the budget issues. It's a ripple effect that comes mostly -- you know much better than we do -- from the feds to the state level, funding on the state level to the local level. In Lycoming County, we've gone from 14 municipal departments to 10 since Kopko and Dobbins.

REP GERGELY: So you have lost departments?

SHERIFF LUSK: We have lost departments. We lost departments. We lost officers. My testimony indicated a 30 percent decline in officers in my 30 years. I would venture to guess that 10 percent have been in the

last five years.

REP GERGELY: It's cost more so than anything else.

SHERIFF LUSK: Absolutely.

REP GERGELY: As a matter of fact, Mr. Chairman, one of my local municipalities eliminated their police department two years ago and now have reinstated that police department. They do not want to depend on State Police in my area. They want to depend on their municipal flavor. I would venture to guess if they couldn't afford that, they would like to have a presence from the Sheriff's Office. This has to be a more broad discussion because guys like me that come from a county that has all of those entities, this doesn't make much sense pragmatically.

SHERIFF LUSK: Rep Gergely, even if they don't want the presence of our Deputies, we're there. We are out serving. We serve first process in Lycoming County for all 207 attorneys in most civil processes. We serve every PFA. We enforce every PFA order. In Lycoming County alone, we drive 150,000 miles. Even if the opposition doesn't want us out there doing this work, here we are out there.

It's like the dog catching the car and what does he do with it when he gets a hold of the bumper? We come across something and here we are. Now, what do I tell my

Deputies? My Deputies ask me every day, Sheriff, what can I do? What should I do? I don't even know clearly, with the two rulings.

We need direction from the Legislature as to what we are exactly supposed to do now. What is an investigation and what isn't? When can we take action and when can we not take action? That's as simple as it is. It's become very difficult to even understand it.

REP GERGELY: That's exactly why I want to compliment the Chairman on this piece of Legislation. Hopefully, as we move forward, we compel the opposition to have to testify in front of us regarding the issue related to why there's a lack of support. I think there's always room for compromise.

I tried to look through all the testimony. I know one testifier had some issues related to oversight and that's where we have to go. This is why you have hearings. This is why we collect the information. We have to have the other entities come in so we can hear their side and move this forward. Thank you, gentlemen, for coming today.

SHERIFF LUSK: Thank you, sir.

CHAIRMAN BELFANTI: Rep Sabatina has a question.

REP SABATINA: Thank you, Chairman. Thank

you, gentlemen, for taking the time to testify, especially in light of what's going on in Williamsport. I'm from Philadelphia as I stated before. We do have a Sheriff's Department along with the City Police. The Sheriff's Department in Philadelphia, I imagine, is much different from the local Sheriff Departments in the rest of the 66 counties in PA.

Our Sheriff's Office is primarily responsible for courthouse security. I'm trying to think if they have investigative powers or not. I don't know. In any event, it's clear to me now that in Philadelphia, Sheriffs don't take a proactive response to fighting crime, in my opinion. That's left up to the police. But I understand in the different counties in the smaller more rural areas, Sheriffs do do that.

The question I had for the both of you is, are you aware, either personally or through stories, of local police saying, what are the Sheriffs doing here? In other words, do you guys ever butt heads with the Sheriff's Department stepping on each other's toes, things to that nature, or do you compliment each other and help each other?

SHERIFF GERRINGER: I can state for the record as long as I've been involved with the Sheriff's Office in this particular county -- the Chief of Police is here from Mahoning Township and I think he will echo my comments -- I'm not aware of any time that the Sheriff's

Office in this county has ever butted heads with the Danville Borough Police, the Mahoning Township Police and/or the State Police.

From my standpoint, my Deputies, if they see something going on in the Borough of Danville, they call the Danville Borough Police. If they see something going on in Mahoning Township, they call the Mahoning Township Police. I think that's the trend that should be followed because, No. 1, we should not be stepping on their toes or putting our nose in where it's not welcome. We've never had a problem.

Going back to Philadelphia County, you're correct. I don't believe they do have investigative powers in Philadelphia and I'm quite aware that Philadelphia primarily transports hundreds of prisoners on a daily basis. I believe Lodge 5 represents most of the Deputies there. But I agree with you. I think they primarily do courthouse and courthouse only.

I think you're correct that it's city versus rural because in rural areas -- and this is a prime example in Montour County. There's 13 police officers, 14 at the very most, for 2 police departments and the other municipalities have no police service at all other than the State Police.

SHERIFF LUSK: I guess the simplest example I can give you, Rep Sabatina, is if you were to come back

with me to Williamsport and come to the World Series, you will see local, municipal, state and federal law enforcement there every day, morning until night, working out of a unified command post, a unified command system where we have command staff who have oversight over each other.

If I go to the World Series tonight, if I arrive there tonight and I work the World Series and I'm assigned a command officer, I will be a command officer commanding other municipal agencies, commanding State Polices, commanding other federal agencies. That's my assignment.

Every presidential and vice presidential visit we've ever had to the World Series which creates -- as some of you know who have been involved in presidential visits, it's absolute gridlock. We had no less than 250 sworn law enforcement officers when President Bush arrived just before 9/11 in August of 2001. Everyone worked as a team. We always work as a team.

That's what's so disheartening about the opposition. The opposition of this Bill is leadership. It is not the men and the women in the trenches who rely on each other, as we do rely on each other, every single day. That's what's so disheartening. The question of the opposition is exactly what Rep Gergely mentioned. They need to be asked those questions. Why, if we work so well together, do you oppose us to have the equal authority that

you have to protect our residents?

REP SABATINA: Thank you, gentlemen.

CHAIRMAN BELFANTI: I did want to mention to the latecomers that this Committee compelled the agencies that are here and will be at the next two hearings, the PA State Police, the local Chiefs of Police Association and the Sheriffs, to, on their own, try to work this out and we gave them a year to do it.

I gave them ample notice that if they didn't do it within a year - - and they kept telling me they're close, they're close, they're close. We just about have it. We're just about there. We have a problem with correction officers, coming up with all kind of different things, correction officers will be the next ones that want it, a bunch of malarkey, put it that way.

We've given them the year. It's time for hearings. It's time to act on the Bill and get it on the floor. All of the stakeholders involved were made well aware of that over a year ago. Rep Murphy indicates that he has one quick question.

REP MURPHY: Thank you, Mr. Chairman. As you indicated, it will be quick. It's more of an observation, more of a comment. I thank you for inviting us here and for having this forum and this open discussion.

It appears as though of the 67 counties,

there's many counties in which it's Legislation that's sorely needed. In reading ahead in some of the testimony -- I'm reading DA Robert Buehner's testimony and it indicates that Montour County from 10 p.m. each night, there's a 100 square mile area of Montour County that's part-time covered by one PA State Police vehicle and that also entails covering 20 miles of Interstate 80, which obviously is very inadequate coverage in that particular area. So I'm sure the State Police would very much appreciate, as indicated in this testimony, the help and the assistance because of the response time.

But in having this discussion, I'm realizing it's in the end, as the Legislation is crafted, up to the county board of commissioners to determine any type of expansion. I just want to make sure that I had that correct, that it would be up to the local county commissioners to decide whether, in fact, an expansion was necessary in their particular county.

SHERIFF LUSK: There are two components that have to make that happen. One, if a Sheriff is to have any discussion with a municipality about services, I can, on paper in an MOU, agree to the moon with a given municipality to provide all kinds of coverage and protection and services. The bottom line is, I'm not the financial authority.

Every dollar that I receive in my office is

approved with the county budget under the County Code. The County Code approves not only the budget expenditures, but by Code. And within the Bill itself that Rep Belfanti brought forward, every additional personnel requirement must be approved by the county salary board.

Now, Lycoming County is a fifth class county. We have three commissioners. The salary board is comprised of three commissioners, the controller and the department head or elected official that is requesting the procurement.

If I'm requesting ten Deputies which would increase my budget and from a personnel standpoint would double my salary budget, I have to convince the salary board which is four individuals beyond me. The majority of the salary board in Lycoming County -- I'm going to venture to guess to say it's that way statewide -- are the commissioners. They have to approve everything I might want, that I might try to guarantee to a municipality.

REP MURPHY: I think it was important to point that out in your extensive testimony. I want to commend you on how prepared you were. I like the fact that there's a lot of information that we've received and your fact versus fiction testimony was really on point.

SHERIFF LUSK: Thank you.

REP MURPHY: As someone who just had my four children up at Williamsport yesterday for the Little League

World Series, the security and the event staff and the coordination of responsibilities and of security at the Little League World Series was exceptional, as it is every year.

SHERIFF LUSK: And it's not by happenstance. We work on it all year round. Every agency that participates from a law enforcement viewpoint, we work on it every month all year round getting ready for next World Series. We do a very good job of operating that whole system. We do a very good job of protecting our residents, which is what this Bill is about.

REP MURPHY: Congratulations on that and thank you very much, Sheriff, and thank you, Mr. Chairman.

CHAIRMAN BELFANTI: Thank you. We have to move along. I'd like to thank Sheriffs Gerringer and Lusk for very, very good testimony. We would like to call up Denise Cressman from Danville, PA. I would like to recognize, while Denise gets situated, Todd Roup from Senator Gordner's office who is here. That microphone that keeps going in and out, that was paid for with the WAM from Senator Gordner and this microphone was one of my WAMs. Mrs. Cressman, you may begin.

MRS. CRESSMAN: Good afternoon. My name is Denise Cressman. I am a resident of Montour County. I live in Danville Borough. I would like to share our story with you,

my son' s and my husband' s and mi ne, and ask you to support House Bill 2585 and restore the Sheriff' s authority and grant them equal rights under the law.

I would personally like to thank Rep Belfanti , who is my rep, for sponsoring this Bill. I am not a law enforcement officer or an elected official, nor am I married to one. I operate a registered family childcare and some of you may recognize my name as an advocate for children and childcare providers in Harri sburg. My husband is an engi neer.

Up until 2,428 days ago, we were living the American dream. We were a middle class family, raising three young sons in small town America. Our sons are all fine young men, all Honor Roll students involved with school and community. We knew where our children were. We knew who they were with. We knew where they were going. We were friends with our children' s friends' parents. We provided a secure environment for them.

On December 28th, 2003, our American dream turned into a horrible, horrible nightmare when we experienced every parent' s worst scenario when we found our wonderful, talented, wicked funny National Honor Society student dead in his bed.

Eric was 18 years old and a senior in high school. He had been accepted at Penn State University, Carnegie Mellon in Pittsburgh to study chemical engineering.

Eric was a boy looking forward to a future full of endless possibilities, gone, as he lay blue, cold and lifeless in his bed where he should have been safe and warm. Our sanctuary, our place to keep our children safe was violated by EMTs, paramedics, police officers and coroners, body bags and funeral directors all doing the job they were assigned to do, no easier for them than for us.

We were no longer safe and could no longer protect our children. Our child had died, died under our roof, without our knowledge. How could this happen? That question continues to echo in our house today 2,428 days later. How could this have happened?

Just when we thought things couldn't get any worse, they did, as we began our journey into the injustice system. We lived our life as edited by the local newspapers. We lived with lies and rumors and innuendos. The investigation into Eric's death was carried out at a local level by our District Attorney and our local Police Chief.

Knowing who was responsible for Eric's death and proving it were two far different things. It was a frustrating, horrendous path, further compounding our grief. Instead of bringing us resolution and justice and a little closer to closure, it compounded our problems.

We lived for two and a half years with a death certificate that said cause of death pending. We lived with

our local District Attorney, Bob Beuhner, having to give an affidavit to our life insurance company that my husband and I did not kill our son to benefit from \$2,500 in life insurance.

This is a very, very small town. The Borough of Danville is 5,000 people. The parents of the boy who was responsible for Eric's death are pillars of the community. This town closed ranks around them to protect this family. In the meantime, they let a killer roam the street, free to harm another parent's child.

Witnesses refused to cooperate and no new information was coming to light. The case was stalled with nowhere to go and nothing to do. Our local Police Chief and our local District Attorney did try. They tried to take it to the state level and no one was interested in one child dying in one small community.

In January of 2005, more than a year after we found Eric dead in his bed, our local District Attorney had a discussion with the Montour County Sheriff's Office in reference to Eric's case. We never asked why Bob had that discussion, but we're pretty sure that he was just as frustrated as we were. We just know that that day was the turning point in Eric's case.

After examining the records that were presented to him, Ray Gerringer got on the phone and using the resources available to him, using his relationship with the

US Attorney's Office that he had forged through many investigations before this piece of Legislation took it away from him, used that relationship and had a conversation with the Assistant US Attorney in Williamsport.

The decision forthcoming was not done in two weeks or two days. The decision was handed down in four hours. It was an 11:00 in the morning conversation. It was a 2:00 in the afternoon decision. We will take this case. We will prosecute to the full extent of the federal government's law. Open lines of communication within the confines of the law were established between the survivor's, Eric's family, the Sheriff's Office and the Assistant US Attorney. A Grand Jury was convened into Eric's death.

If the Sheriff's Office couldn't answer the question or divulge information, they were upfront and honest with that answer. The Sheriff's Office continued to include our local District Attorney and our local Police Chief in the investigation. They made sure that the Assistant US Attorney kept that open line of communication with the men who had started this investigation. This was not a turf war. This was cooperation at its best level.

Was this a perfect relationship? No. There were many days that we agreed to disagree but we knew what we finally had was a champion in our corner who was talking with us. So we accepted disagreement as a good thing.

As a result of our Sheriff Office's relationship with the US Attorney, a Federal Grand Jury was convened and in August of 2005, actually August 10th, 2005 which is our eldest son's birthday, they indicted the young man responsible for Eric's death. There were ten counts in that Federal Grand Jury. There were three additional counts added to that from the State of New Jersey where he was arrested. He was sentenced on February 26th, 2009 in US District Court in Williamsport, PA to 17 years in federal prison for Eric's death.

I was raised in the '60s when we left our doors unlocked. Actually, I was raised in a suburb of Philadelphia where our doors were unlocked and our keys were left in the ignition. My parents didn't worry about a spouse being killed at work or my siblings or I being gunned down at school.

In a society where crime has become the norm rather than the exception and drug trafficking is on the rise and, as a result, secondary crime is also on the rise, we should be doing all we can to empower our Sheriff Offices across this Commonwealth.

In rural PA where our State Police barracks can be more than a half an hour away, our Sheriff's Office is often our primary line of defense and they should have full partnership and equal rights with other law enforcement departments. Please support House Bill 2585 and empower our

Sheriff's office to do their job and get them back on the streets protecting our community so we can all sleep a little easier tonight and every night.

We will be forever grateful to Sheriff Ray Gerring and his office for their personal involvement into the investigation into Eric's death. These people are our everyday heroes. It is our firm belief that without the direct involvement of our Sheriff's Department, the young man responsible for Eric's death would still be free, free to kill someone else's child. I thank you for your time. Again, thank you, Rep Belfanti.

CHAIRMAN BELFANTI: Thank you very much for that very emotional and heartwarming discussion about your son. If I may be so brash, I assume that this has all been in the press several times. In the case of your son, was he murdered in your home or outside of a home and then brought back to your residence?

MRS. CRESSMAN: Yes. It is our understanding -- and because Grand Jury testimony is sealed, we don't know the full story, but it is our understanding Eric died of the adverse effects of Methadone. The boy who was found responsible for his death at some point in the evening gave Eric a Methadone wafer.

We've heard the whole gamut of stories, it was slipped into his drink, Eric took it willingly. We'll

never know the true story. There's only two people that can tell us. One is behind bars and not talking and the other one -- when we meet again, I'm sure he will have a wonderful story to tell me.

This young man brought Eric home that evening, took him up to his room, put him in his bed and called his mother from Eric's room and said, Eric isn't feeling well. Can I stay overnight? And his mom said, no, you need to come home. He closed Eric's door. The next morning at 11:30 when I went to wake Eric up to go to my husband's sister's for a Christmas celebration, we found him dead in his bed.

CHAIRMAN BELFANTI: Thank you and, again, I apologize for asking a tough question.

MRS. CRESSMAN: In six and a half years, you think it would get easier. And some days it does and some days it doesn't. There's days that we still pinch ourselves and want to wake up from this nightmare that we're living.

But that being said, when Sheriff Gerringer told me that this House Bill was up again, I said to him, I will do anything and everything that I can to tell the story of the lives that you make a difference in.

CHAIRMAN BELFANTI: Thank you very much. Rep Gergely has question for Ms. Cressman.

REP GERGELY: No. Thank you, though.

CHAIRMAN BELFANTI: Rep Harkins is here. There are no further questions. I thank you very much for your testimony. Next I would like to introduce a good friend of mine, the Montour County District Attorney who has served forever. We're on opposite political parties but we have been very good friends for many, many years. It's my pleasure to introduce Bob Beuhner, Montour County District Attorney.

MR. BUEHNER: Thank you, Rep Belfanti and members and staff of the House Labor Relations Committee and Rep Mahr, my good friend from Boy Scouts and other places.

It is my honor and privilege to serve as the elected District Attorney here in Montour County for 19 years. It turns out I'm second in active seniority among PA's 67 District Attorneys. Also, even though I come from PA's smallest county, I was honored to serve as the president of the PA District Attorneys Association and I've been an advisor to Governor Ridge helping to draft the Legislation for the 1994 special session on criminal justice.

Today my testimony is simply my own experienced views. They do not represent the opinions or positions of other District Attorneys or the DAs Association.

First, the passage of House Bill 2585 is of great importance to the safety and well-being of the citizens

of PA because it will allow properly trained Sheriffs and their Deputies to have policing powers the same as local police officers.

Well, some will ask, what is the problem to be solved? I think the answer is twofold. First is the need for additional man and woman power in law enforcement to cover underserved areas. Second, this Legislation ends the confusion regarding the powers and duties of Sheriffs and their Deputies throughout the Commonwealth with the notable exception of Allegheny County, home of the Pittsburgh Pirates and Steelers I might add.

REP GERGELY: Actually the Penguins. We don't count the Pirates.

MR. BUEHNER: Sorry. I'm a long suffering Pirate fan. A recent news report indicated that nine local municipalities have disbanded their local police departments recently and that the PA State Police will assume primary enforcement powers in those local areas.

This stretches the coverage area of the State Police even further and their resources even thinner. This has been an ever increasing trend that I predict will continue given the budget realities that all levels of government face. It is simply easier for a local board of supervisors or a borough council to disband their police department rather than burden the local taxpayers with that cost when they can pass

that burden on to the PA State Police.

Let me bring it home to you here in Montour County. After 10 p.m. every night 365 days a year, there's a 100 square mile area of this county that has part-time coverage by one State Police vehicle with two officers riding inside. This same vehicle also covers large portions of Union County to our west and Upper Northumberland County.

This also includes a 20 mile area of Interstate 80 which has an interchange and two rest areas and lots of things go on all the time on the interstate. I've always said that crime follows highways and crime certainly has followed Interstate 80 to Montour County and to rural PA.

Now, Sheriff Deputies would be able to respond as police officers to incidents in Montour County when State Police officers are literally miles and miles away and they have a long response time.

We had a problem in my own household and it took the State Police -- and I live in the township where State Police are the prime coverage. They called and said they could not make it for 45 minutes to an hour. It was a minor problem and they asked for local assistance which arrived rather quickly because I live on the boundary and I live two miles away from the local township police station. However, that is a response time, in one sense, that's just not acceptable.

How do you solve the problem? Well, frankly,

I think this Bill is one part of that solution. By authorizing Sheriffs to have police powers, they can respond when the State Police can't or are unable to because -- they call it the midnight hour, which actually in State Police time is not midnight, but it's 10 p.m. to 6 a.m. -- because they've got more serious priorities.

They have to do triage every night out on the highways as they're out on the patrol. What's the most important thing to go to first? Well, I can't get to this other place until I clear this incident. What about that other phone call? What about the domestic violence? They rely on local police to cover them.

I can tell you this, the rank and file State Troopers that I deal with every day support this type of Legislation. They have told me so. I'm certain that among the police officers and State Troopers that are doing this triage or local police officers in large municipalities who get tied up the same way will tell you that they support this type of legislation.

Now, the second problem that House Bill 2585 solves is the confusion over the powers and duties of the Office of Sheriff. Now, Sheriffs have argued that what they want is their common law powers restored. Our PA Supreme Court has ruled in a series of cases in what many say is a very confusing pattern regarding these common law patterns. Well, common law

is a lot like common sense. It's actually not very common and it's open to a wide degree of interpretation.

HB 2585 gives the statutory basis for the power and duties of Sheriffs and their Deputies. No more wondering about whether today's Sheriff in PA has the same common law powers as they had in jolly old England with the Sheriff of Nottingham pursuing Robin Hood. Now, you say, what does that have to do with anything? In the case of *Commonwealth v Leete*, the Supreme Court quoted the powers of the Sheriff of Nottingham. It's just incredible.

House Bill 2585 eliminates all this confusion and interpretation by setting forth clear powers and duties. In fact, I believe that the PA Supreme Court has been asking you folks in the General Assembly to address these issues.

Now, let me just read, and I hate to do this, from a court cause. It's the case of *Commonwealth v. Dobbins* that was decided in 2007. Here's what Justice Baer said when he wrote the majority opinion. Nothing in this opinion, however, should be construed to limit Sheriffs well-documented and salutary role of support in support of those law enforcement agencies so authorized, nor should our ruling be made to suggest that the General Assembly lacks authority to grant broader investigatory powers to Sheriffs in this or in other contexts. These questions simply are not before us today in the *Dobbins* case.

Now, when a Justice of the Supreme Court, one of those seven black robbed individuals that really controls things, writes that at the conclusion of the opinion, he's really saying to you in the General Assembly, would you guys please clear this up? Because he starts out in the beginning of his opinion by saying, you know, this is the fifth time in 15 years that we at the Supreme Court have been asked to clarify the roles of Sheriffs in law enforcement in PA.

Now, he didn't start out the opinion by saying it and conclude with telling you at the General Assembly, you can do something. He's sending you, I believe, a very clear message on behalf of the Justices of the PA Supreme Court, would you please clear this up once and for all?

What he pointed out in the Dobbins decision -- and this is outside my written testimony -- is that, well, gee, the Legislature wrote in one section of the Crimes Code that Sheriffs in second class counties have law enforcement powers but when the General Assembly did an amendment of law by adding Sheriffs in second class counties, they excluded everybody else, all the other Sheriffs. So that must have been what the General Assembly meant, that the powers only go to second class counties. Therefore, we're not going to read into it what the General Assembly's intentions were to expand Sheriff's powers.

Again, when you read the decision, sometimes I think that the Supreme Court is telling you -- and I think

it's a nice thing to be told -- hey, you guys and ladies really have the power to do this. Would you please address the issue because we don't want to be in this decision, but when we do decide it, we're going to decide it clearly and follow the statutory rules of construction. Hence I think, Rep Belfanti, one of the most important things you can do is clarify for the courts, who will be asked to rule on these things, what are the proper powers and duties.

Now, Section 2113 sets forth nine enumerated statutes wherein Sheriffs would have powers and duties. These include the obvious ones, the Crimes Code, the Vehicle Code. However, missing from these nine laws is an important one, the Controlled Substance, Drug, Device and Cosmetic Act found in Volume 35 of Purdon's Statutes. This is the sale and distribution of all kinds of controlled substances from marijuana all the way to heroin. I would urge the Committee when looking at the Bill to include the Controlled Substance, Drug, Device and Cosmetic Act.

Now, for the humorous part of my testimony, this Bill also gives Sheriffs the powers to enforce the Bingo Law. Now, currently, that power is within the specific purview of the District Attorney. I don't know how and why we got this, but I do think many District Attorneys would gladly give up that power to investigate Bingo games to the Sheriffs. However, I do believe technical language is necessary to

relieve District Attorneys of that authority and power and I think that would need to be added at some point.

We had -- it wasn't the crime of the century, but it came within my power to investigate the Bingo Law here in Montour County. I can tell you it was incredibly time consuming and it was somewhat nasty for reasons I won't go into in terms of who plays Bingo and who doesn't. But my point is, if you want to give the Sheriffs the Bingo Law, by all means, please do, but get us out of it when you're writing the Legislation.

Now, I also believe there should be clear language authorizing properly trained Sheriffs and Deputies to participate in electronic eavesdropping activities the same as other police officers. This is the famous Kopko No. 2 Decision that said that Deputy Sheriffs were not allowed to get the training. The Supreme Court said yes. The statute didn't provide for it.

I would suggest to you that it would really be nice to have specific language authorizing them to participate in the training. Now, if they don't pass the training, they can't go out and do anything. I think, again, when you're looking at what they're doing, I urge you to add that technical correction.

I do applaud the drafters of the Bill for specifying qualifications for a Sheriff. If you're going to

give Deputy Sheriffs law enforcement powers, then the person who supervises them, the Sheriff, should have proper educational training. This is no different than the requirements for a District Attorney who must graduate from law school and pass the PA Bar Exam. So there is a precedent. We DAs all have to do that. I think a Sheriff should.

I actually think the Sheriffs would agree to that and support it because they would want to be able to be recognized for the training they have and the important function that they will be doing if they supervise law enforcement activities.

Some opponents of this Bill will argue that certain negative things will happen if the Bill passes. I think in one sense, other than some money issues, there will be turf issues that are jurisdictional in nature. I call that the who's in charge argument. The answer is very simple. The District Attorney of each county as the prosecutor and chief law enforcement officer of the county is responsible for sorting that out.

The State Police have statewide jurisdiction, as they remind me from time to time, and they can make arrests in municipalities that have their own police departments and they don't need anybody's permission to do that. We have overlapping jurisdictions. It is simply a problem that can be resolved, whether it's by District Attorney or protocols

that are worked out. In Allegheny County, the Sheriff's Office has countywide police powers. It does not seem to be a problem that goes unresolved out in Western PA.

Members of the Committee, there are more than enough bad guys and criminals to go around. Adding Sheriffs and their Deputies to their team of law enforcement officials who have police powers only increases public safety. Shouldn't that really be the bottom line?

In summary, I personally applaud my good friend, Bob Belfanti. I respect his longtime service and work here in this district. I also thank the Committee staff and all the co-sponsors of House Bill 2585. I certainly urge its passage. I'll be glad to answer any questions.

CHAIRMAN BELFANTI: Any questions?

REP GERGELY: Could you expand on what the -- is that the Bingo Law?

MR. BUEHNER: Yes. Here's what happened.

REP GERGELY: Fire departments too when they have events or is it just Bingo?

MR. BUEHNER: No, it's just Bingo. What happened is this and I researched this. Back in 1981 when the Bingo Law was passed, there was great concern and genuine concern that certain criminal elements would infiltrate PA Bingo as they had in the State of New Jersey. So they

really developed a complicated system to prevent that from happening here in PA. As part of that, they wanted to make sure there was oversight.

It's incredibly difficult to run a Bingo campaign. You have to get the supplies from certain places, only certain places that are licensed. You have to have lease agreements. No one can share in the proceeds of the Bingo pot, so to speak. Everyone who runs Bingo gets paid on an hourly basis, etc., etc. They put the DAs in charge of that just because they wanted somebody there in law enforcement countywide to address it.

CHAIRMAN BELFANTI: Rep Seip?

REP SEIP: Thank you, Mr. Chairman. I would like to ask you about the Legislation and how it relates to the Mental Health Procedures Act of 1976.

MR. BUEHNER: All right.

REP SEIP: I've worked in crisis intervention in the past. I know there were times we had to wait lengthy periods of time to get the State Police involved or to have them transport somebody to a treatment site.

In your professional or legal opinion, do the Sheriffs already have that authority now or would this Legislation enable that to occur? What impact would this Bill have on the Mental Health Procedures Act and how that correlates to the Bill?

MR. BUEHNER: You're asking the one District Attorney in PA that served for 25 years as a mental health review officer before I became full-time, again, thanks to the General Assembly.

I would do 300 mental health hearings a year because Geisinger Medical Center is a state hospital. I committed more people or discharged more people out of mental health facilities than a lot of people in PA, a lot of sick people because of this.

The answer is it's exceedingly unclear that a Sheriff's Deputy has the legal authority to transport someone from, say, a scene of a crisis to, for example, Geisinger Medical Center's emergency room where what's called a 302, a petition, would be written out and then a licensed psychiatrist would do an evaluation and go from there.

I don't know that there's any statutory authority, but I can tell you that unless it's some incredibly difficult crisis where someone is actually with a weapon, it takes a long time for the State Police to come. Because I think in their priority situation, it's probably low down unless it's somebody really with a weapon threatening people or themselves. In that case, they come like the calvary.

But short of that, someone who is really in a deep mental health crisis but it's not gone beyond anything where it's a threat takes a long time and I think it

shouldn't because you want to get that person to treatment right away for an assessment.

REP SEIP: Maybe an opportunity for an amendment, Mr. Chairman. I would be happy to work on that with you.

CHAIRMAN BELFANTI: No more amendments.

MR. BUEHNER: Can I answer one of your questions you gave to the Sheriffs? You had asked, would this Bill decrease costs because of the need to have so many officers testify? I think they kind of said in their way kind of yes. I will tell you the answer to that would be a definite yes. Right now, a Sheriff or Deputy who saw something that was part of the investigation or who came upon things, you need that person as a witness. You need to get affiants. You need everything else. The affiant is just going to sit there and say, I don't have any testimony, but I've got to be in the courtroom because I signed the complaint. Whereas if you had a Sheriff or Deputy with police powers, they would be right there. You wouldn't need extra support, extra officers showing up at preliminary hearings or courtrooms to testify or to just be present because it's their case. I think that's a definite yes.

REP SEIP: Thank you.

CHAIRMAN BELFANTI: I would like to recognize Rep Goodman who came in after the hearing I mentioned earlier.

I believe two members have questions for the District Attorney, Rep Harkins, and he will be followed by Rep Murphy.

REP HARKING: When I brought this issue up with Erie County government, one of the county council members, who has been there for at least 30 years, brought up the issue of insurance and the cost factor. Can you shed some light on that or where he might be going? When I talked to Bob, the current Sheriff up there, he doesn't see any issue with insurance.

MR. BUEHNER: They're already insured in some way through county government as I am as District Attorney. There is already employee errors and omissions insurance. I don't think it's an additional cost because in this hodgepodge of case law, in certain instances, Deputy Sheriffs already have police powers in a kind of narrow defined limited way, so they should already be covered.

REP HARKINS: I really couldn't find anything in the case law and I looked through different things. Other than maybe if somebody did something out of the ordinary, you have insurance for those kind of things?

MR. BUEHNER: My understanding is the county does have that.

REP HARKINS: That's what I was led to believe also.

MR. BUEHNER: Yes. So I don't see that

being an additional burden on county government where, oh, my goodness, we've got to pay all this. They already got to pay it now.

REP HARKINS: And already budgeted. The county budget wouldn't be increased by something like this?

MR. BUEHNER: You say would not be?

REP HARKINS: Would not be.

MR. BUEHNER: I don't believe so, no.

REP HARKINS: Thank you. I just wanted to clear that up.

MR. BUEHNER: I think you're going to hear those types of arguments but I don't know there's any credence to them.

REP HARKINS: Thank you.

REP MURPHY: Mr. Buehner, I just had a couple questions and I wanted to rely on your expertise in your tenure, having served 19 years as District Attorney here in Montour County.

The first is I want to emphasize the importance and the significance of only having one State Police vehicle and two State Police officers or troopers covering 100 square miles. I don't know if you can answer this question as a District Attorney or rely on your experiences over the 19 years, but do you know the PSP

protocol for responding to calls?

If you have a State Police vehicle that's covering 20 miles of Interstate 80 and they're covering 100 square miles and they're at an accident scene with injuries and they have a domestic call or they have another call that would put somebody in immediate harm's way, what would the protocol for the State Police be in that particular instance?

MR. BUEHNER: The answer is it would be probably dependent upon two factors. One is the officer back at the station trying to sort it all out being usually sometimes a corporal, meaning one rank up above trooper, and then the expertise of the officers that are out there and the ability to wrap one thing up and get to the next.

I think the answer is it's pretty much ad hoc, although I'm sure that a man with a gun, things like that, would take precedent over a car accident, things of that nature. I'm not certain that there's a specific protocol you could write that would fit every situation.

I can tell you in February in a snowstorm in Montour County, you don't want to be on Interstate 80. If there's an accident or a series of accidents, it could take all night long. Then if you have something else outside of the interstate when it's really treacherous, it's tough for the troopers to get on the interstate, let alone get off the interstate and go somewhere else.

REP MURPHY: I'm sure there are instances over your 19 years' experience as a DA where there has been times where a trooper or a supervisor has to make a call with regard to prioritizing a call and perhaps, in retrospect, maybe the wrong call was made. That's hindsight being 20/20. In that sense, that's a serious burden, serious responsibility, for the commanding officer and for the State Troopers to make that call at the snap of a finger.

MR. BUEHNER: Rep Murphy, wouldn't it just be better if the person on station at the State Police barracks could say, let me just call the Sheriff's Office and see if they have someone available to address that incident so that we don't have to be scrambling from one to another, in other words, giving short shrift to one incident because there's something else going on.

Wouldn't it be better if they could just call a dispatcher and say, is anybody in the Sheriff's Office available to take this call and come out in an area of Montour County where we're not just readily available? I think that's what we're talking about.

In Montour County, we have the luxury of being the smallest county in PA. So 100 square miles is a lot of territory when your county is only 130 that's really not well covered. Just think what it must be like across the vast reaches of this Commonwealth. A hundred

square miles with one State Trooper car on the midnight shift is nothing in many counties. It's even worse as you go to some of the larger more rural counties.

REP MURPHY: That was the point I was trying to make. Lastly, I see in your experience you are past president of the PDAA and you did state that your opinions were your opinions and not of the association. But in your experience as a past president and relative to the language authorizing properly trained Sheriffs and Deputies to participate in electronic eavesdropping activities the same as other police officers, has the association, as far as you're aware, ever taken a position in that regard?

MR. BUEHNER: I don't think it has. But what was really interesting in that case, the Kopko 2, is that there were four counties who brought this issue, which ended up in the Supreme Court, because four Sheriffs were trying to send Deputy Sheriffs to wiretap school and the State Police said no and it turned out in the eyes of the Supreme Court they were right.

But the District Attorney in each of those four counties supported that position and either had an amicus brief or in one manor or fashion supported that in all four of those counties. Had it been in Montour County, there would have been a fifth.

REP MURPHY: Thank you very much. Thank you,

Mr. Chairman.

CHAIRMAN BELFANTI: Thank you.

MR. BUEHNER: Thank you, Bob.

CHAIRMAN BELFANTI: Good to see you again. We now have a police officer as opposed to a Deputy Sheriff. I want to thank all of the Deputies for coming to this hearing today but I'm especially pleased to have Robert Blee, the Chief of Police of Mahoning Township, one of the two police departments here in Montour County. If he will step up for his testimony and his slant on House Bill 2585.

CHIEF BLEE: Good afternoon, ladies and gentlemen. My name is Robert H. Blee, Jr. and I am the Chief of Police of the Mahoning Township Police Department here in Montour County. I have been asked to give testimony on behalf of House Bill 2585.

I have been a police officer in Montour County for the past 23 years for the Mahoning Township Police Department. In those 23 years, I worked hand in hand with the Montour County Sheriff's Office, first under now retired Sheriff Fred Shepperson and now Sheriff Ray C. Geringer and their Deputies.

The Montour County Sheriff's Office has been a valuable asset to the drug task force, first with the SUN task force which was comprised of Snyder, Union, Northumberland and Montour Counties and now the Northumberland

and Montour County Drug Task Force. I have personally worked numerous cases with the members of the Montour County Sheriff's Office. Sheriff Gerringer and his Deputies are a well-trained staff. Sheriff Gerringer is always sending his Deputies to schools to be highly trained and efficient at their duties as a law enforcement officer.

It is hard for me to understand why this is such an issue when you travel across the great country of the United States of America, which I've traveled from California all the way across back to PA and down further south, and I see Sheriffs and their Deputies on routine patrol just like the members of my police department. These Sheriffs and their Deputies from the other states are doing traffic enforcement, answering domestic disturbances, lost children calls and the list could go on and on of what a law enforcement officer does throughout their day on the street.

I have read that many organizations are afraid of what might happen if the Sheriff gets this power. They are saying the Sheriff is going to take over police departments. I do not see how this could happen and there is a part of the Bill that states that this would not be allowed.

There are a couple points of the Bill that I am not in favor of and one of those is the fact that an elected Sheriff has their first term to complete their training. I feel the elected Sheriff should have to complete their training

within their first year of being sworn in as the Sheriff, as a police officer would have to do. Instead of waiting possibly three, three and a half years to go to school, in my opinion, they should have to go in that first year.

The Bill is unclear as to how they will handle the training requirements of the current Deputies, to bring them up to speed to be able to enforce the laws of the state that they are lobbying to enforce. I'm not saying the current younger Deputies, but there are a lot of older ones there that are working now that may not have. I don't know if they have the thorough training or if they were grandfathered in from previous ones.

The other point of the Bill that I do not agree with and do not support is the section that spells out the primary jurisdiction. The Bill reads that the Sheriff shall have primary jurisdiction of all courthouses of the county and other county owned or leased buildings, properties and facilities including properties owned or leased by county agencies and, as such, shall enforce good order in the county courthouses or other grounds and buildings owned or leased by the county. I agree with all that, except for the next section which says, within 500 feet of all county owned or leased properties and upon the sidewalks, roads, streets and parking areas within such area.

If that were the case, for example, and

something were to occur here, it would be the responsibility of the Sheriff's Department because the fields right back here are owned by the county. Technically, you wouldn't have the Mahoning Township Police covering it. It would be the Sheriff's Department.

In Mahoning Township, for example, this would mean they would be responsible for just about all of Woodbine Lane, which is the road down here where Sheetz is, all the Geisinger buildings and Grandview Nursing Home because of where the county buildings are located including sections of Route 11. In Danville Borough, they would be responsible for a large area of Mill Street, Market Street and Front Street because of where the courthouse is located.

If these points would be corrected, I would support this 100 percent. The Sheriff's Office having the power to act would be beneficial to all residents as well as other law enforcement agencies of the State of PA. This should be the main mission of both the Sheriffs and politicians of the state. Thank you for your interest in this matter and this public hearing.

CHAIRMAN BELFANTI: Thank you very much for your testimony. I have a question or two. As I mentioned at the onset of the hearing, we worked with all of the stakeholders in this issue and gave them a year to come up with objections that they had or additions that they wanted. I believe this

is one of the additions that the Sheriffs wanted. Is that a valid statement?

SHERIFF WELSH: One of the conclusions, correct.

CHAIRMAN BELFANTI: Now, there was also language that we put into the Bill that would in no way diminish the power of a policeman who would be on duty or who might come across a crime being committed within 500 feet of county-owned grounds. There's no loss of police power for you. It's just that the primary jurisdiction on those areas are given to the Sheriffs.

I'll give you a brief rationale for that. In Harrisburg we have the Harrisburg City Police. We also have the Capitol Police. We also now have the Capitol Security Department. They are all working together. The Capitol itself is now the primary responsibility of the Capitol Police. But the Farm Show arena, which lies outside of that area, if there was a patrol car of Harrisburg City Police in that vicinity, they would have the ability to make that arrest with no consequences by the Capitol Police.

I think the same would work here but I give you my word that we will work on that and see if we can come up with some better language that is not objected to by the Sheriffs. Because in all of those negotiations, I have to admit that I don't believe that they were all in good faith,

except by the Sheriffs. They gave and gave and gave throughout the course of this Bill and they finally got to a point where this is our last best offer and still made concessions with my Committee at the end.

So I will take those two points into consideration. I will speak to Bunny who is the state president. By the way, Bunny, I wanted to recognize you. She's from Chester County. She put on a pretty good party a couple weeks ago. I'm glad you could make it here. We'll talk about those two issues I promise you. I do appreciate your candor and the fact that you're willing to take a stand that is somewhat different than your leadership has done.

I have had the same experience for the past two years where I've had chiefs of police departments tell me that they are for greater powers by the Sheriffs and they do not believe that their association has provided any meaningful rationale against this Bill.

I think at this point they're waiting to see who the next Governor is going to be, who the next chairman of labor relations is going to be because it will not be me. It's my intention to try and get this rolled through before November 30th, which is the end of my term. Again, I hope they're not content to believe that I'm going to sit on this because I'm not. Rep Gergely?

REP GERGELY: Thank you, Mr. Chairman.

Chief, through your testimony you described and the Chairman answered it very well, his position on this. But what does primary jurisdiction entail? That doesn't mean you still can't have oversight of that area, correct? Can you explain that more so for us?

CHIEF BLEE: That's another gray area. Does that mean if something happens here, if there's a homicide here, the Sheriff can come up and say, I have primary jurisdiction; you people leave; we're handling the call? It could mean that. I don't know.

I'm not worried about that in my area because I know Mr. Geringer and I know the way he acts. We have handled everything together for years and that's the way it will be I'm sure. I'm not fearful of that. But if something is getting written into law, I think there needs to be a clear interpretation of that.

REP GERGELY: I appreciate that commentary. Maybe we go to back to what Allegheny County has for jurisdiction in terms of their oversight and kind of reflect that, Mr. Chairman. I don't want to make changes to the Bill, but I'm just saying we have something already set to look at. I don't understand what primary jurisdiction is. I felt it might be gray and that's why I asked you.

CHIEF BLEE: In my opinion, yes, it is. I

mean, the county home, we had a burglary down there where Sheriff Gerringe could have said we're handling it and he did not. We did it together and that's the way we've always worked on everything for 23 years that I've been here.

REP GERGELY: Thank you.

CHAIRMAN BELFANTI: Any other questions?

(No response.)

CHAIRMAN BELFANTI: Okay. Thank you very much, Chief. We appreciate your testimony. Last but not least, we have another longtime friend of mine, Trevor Finn, who is serving his second term as Chairman of the Montour County Board of Commissioners. Welcome.

COMMISSIONER FINN: Thank you, Chairman Belfanti.

CHAIRMAN BELFANTI: Thank you for helping set all of this up. We appreciate that. Anytime you're ready with your testimony, you may begin.

COMMISSIONER FINN: Thank you, Chairman Belfanti. I would like to welcome the honorable members of the PA House Labor Relations Committee. I would like to take one second to thank the Danville Elks for putting this on. They did this gratis, free of charge, for the refreshments and the room.

Last Thursday in this very room I had the pleasure of attending a retirement party for a 37-year veteran

of the United States Attorney's Office. It was attended by Assistant United States attorneys, federal judges, federal Bureau of Investigation agents, United States drug enforcement agents, United States Deputy Marshals, state and local police agencies, District Attorneys, Sheriffs and Deputy Sheriffs.

After two hours of speeches, one thing was crystal clear. Each was an integral part of the investigation, arrest, prosecution and conviction of a multitude of dangerous criminals. These convicted felons who threaten the lives and safety of the good citizens of this Commonwealth were stripped of their freedom and punished for their actions due to the cooperation of all of the law enforcement agencies mentioned previously.

Any gap in the thin blue line which stands between us and those who would harm us may have resulted in catastrophe. One may assume that catastrophe is a strong word, an exaggeration of facts made to elicit a strong reaction. This is not the case.

If even one of these convicts were left for one more day on the street while a crucial piece of evidence went undiscovered, could someone have been killed, raped, kidnapped, extorted? Would this have affected your family, mine, your neighbors, your friends? Would there be a cry of outrage that a catastrophe could have been prevented if we could have locked the culprit up earlier? Do you want to

assume this chance?

By eliminating Sheriffs and their Deputies as tools in the arsenal against crime, indeed, we risk catastrophe. However, I do understand the concern that investigation and arrest powers should not be trivialized or handed out lightly. This is a serious business where a culture of corruption of power could cause a negative effect on our citizens.

We need men and women who are accountable, educated and properly trained and who possess the resources necessary to fulfill their duties. I do not know of any group of people who espouse these qualities more than the County Sheriffs and their Deputies. Their education and training is provided by the PA Commission on Crime and Delinquency. I would assume this is a knowledgeable and trusted Commonwealth agency capable of providing proper curriculum.

The Offices of the County Sheriffs of PA have firearms, handcuffs, emergency vehicles, radios and bulletproof vests. It appears that resources have been provided in order for them to fulfill their duties. Accountability must therefore, be the main quandary.

However, other than the Office of District Attorney and Attorney General, the County Sheriff is the only law enforcement chief administrative officer which may be replaced every four years by a mere swipe of the fingers of

the voters of this Commonwealth. It is, therefore, beyond my comprehension why anyone would oppose the restoration of arrest and investigative powers with which elected Sheriffs and Deputy Sheriffs of the Commonwealth of PA were entrusted for more than 200 years.

If, as the County Commissioners Association of PA implies, it is because of county budgetary restraints and there is a worry of bloated payrolls in the Office of Sheriff, then the commissioners of the afflicted county are weak and ineffective and need to be replaced.

Maybe the District Attorneys Association makes a better argument in hiring county detectives. However, they use many of the same resources and tax dollars as the Sheriffs and also have a four-year election cycle. Thus the claim of the various police organizations must be true and Sheriffs and their Deputies must not have adequate training.

However, Penn State University and PCCD have developed and implemented a vigorous and comprehensive training program for Deputy Sheriffs. Even if that is not sufficient, many Sheriff Deputies are former police officers and have completed an Act 120 training regimen. It seems that these arguments are moot.

Unfortunately, the groups opposing House Bill 2585 are opportunistic and are looking to seize more power, influence and resources for themselves while throwing the

citizens of our Commonwealth into the clutches of criminals.

My fellow commissioners, who were here earlier but had to leave for a prior engagement, of Montour County and I stand united with the Sheriff of Montour County and his Deputies in a quest to right a wrong.

I urge the members of this Committee to see past the propaganda regurgitated in contrary to House Bill 2585 which does not invest more power, but merely restores power of investigation and arrest to these highly-trained and dedicated professionals.

In rural PA, we need Sheriffs and Sheriff Deputies in the war against crime. If counties are the arms of the Commonwealth and Harrisburg is the heart, then the Sheriffs are the hands which ensure the safety of your family and mine. Do not sever their ability to do their job. Thank you.

CHAIRMAN BELFANTI: Thank you, Commissioner Finn. Are there questions from the Committee? Rep Goodman?

REP GOODMAN: I apologize for being late. I was in Harrisburg with the transportation special session that was called and I did miss the testimony of the Sheriffs who spoke first. But I have read through your testimony.

I guess what I'm trying to do is put my hands around this thing and see exactly how this is going to work.

In previous testimony, it was said that Sheriffs would be asked to do traffic enforcement, domestic disputes, lost children and the list can go on and on and on.

Now, as a disclaimer, I should say Joe Groody and I are good friends. I have all the confidence in the world in Joe and his department. He has an excellent department. I also know that the responsibility of the Sheriff in Schuylkill County is protection of the courthouse and all county properties. There are 67 counties in PA. There are 2,600 municipalities. Many of them rely on State Police for coverage.

Now, my question to you is the same one I gave to Joe. You better watch what you wish for because we're going to expand the scope of the Sheriff's Department to that of outside the perimeter of the courthouse, transferring of prisoners, making sure the courthouse is secure. So you're off duty. If Mahoning City Police Department calls and says they need backup or Ashland Police Department calls and they need backup and they find out that Joe Groody didn't respond, where does that leave you?

I don't see how county budgets will not be affected if Sheriffs are being called to testify at magistrate offices, investigate cases. I mean, all of a sudden we've got a prisoner -- I've got two state prisons in my legislative district and a federal prison.

Joe can tell you they're on the road to the tune of I don't know how many tens of thousands of miles a year. They're going back and forth moving prisoners. I don't have to tell you that people are becoming rougher as they come into the courthouse. It's amazing how many guns and knives that have been seized.

All I'm saying is, we all have confidence in the Sheriff's Department. They play well with others. I've never had a complaint from the State Police. I've never had a complaint from the local thing and they like to have them there with the drug task force and the different things that they do within the community.

However, how do we expand their role without, No. 1, deteriorating from their current responsibilities and, No. 2, how does this not become a blown-out budget for the counties? Because I can tell you what the counties are going to do. They're going to come back to us and they're going to say, you're mandating this from the state. So now you better buck up. Everybody that has looked at the state fiscal situation, we don't have the money to do it.

All I'm asking -- and, Mr. Chairman, this can be a very open discussion, since this is the last testifier. How does this work? How do you get your arms around something like this? If you expand the powers of Sheriffs, now your duties and responsibilities are extremely expanded. How do

you perform your essential duty in which the Sheriff is elected to do?

You have to answer to the voters every four years. If something goes down in the courthouse and you weren't there or your staff wasn't there, they're going to want to know why and you can't say because I was investigating or doing something that is beyond the purview of the traditional role of the Sheriff.

I'm not saying if there's a crime and an off-duty Sheriff was there and he notices something going on -- I have no problem giving him the power to respond so that we have more cops on the street. What I am saying is, because the Bill doesn't go into complete detail about it, what is the new definition of a Sheriff and who's going to pay for it? I apologize because I'm sure this question has been asked and answered but I just arrived here late.

CHAIRMAN BELFANTI: I spoke about it during the introduction as prime sponsor that one of the other pieces of Legislation floating around as being necessary, if we don't do this, is to tax per diem all of the residents of all of the municipalities in the Commonwealth that do not provide their own police that are relying on the State Police and, therefore, they should be picking up a large amount of the State Police budget.

So it's six in one or a half a dozen of the

other, Neal. Something has to give here. I would also like to remind my good colleague who has not really been involved in this issue as I have for the past two years, three years or so that we did give all parties concerned a little over a year to sit down together and work out these differences in the statutory language and this is about as long as we could come.

The Sheriffs had most of these powers. We're asking for them back. Some of the powers that they are asking for are powers that they lost because of two court cases where the Deputies involved were admonished that this should be a Legislative matter and it should be send back to the General Assembly for action, to clear up the ambiguities that we have.

We also heard testimony that in this small county, Montour, the only eighth class county in the Commonwealth, when District Attorney Bob Buehner calls for backup in an area that's Northern Montour County, it can take upwards of 45 minutes to an hour for a State Police officer to arrive. I think Commissioner Finn would agree with that and I see another gentleman has taken the floor. I assume you have something to say.

SHERIFF LUSK: In response to the Rep's question on the cost, what we would receive in 2585 isn't a new part of the program. The vast majority of 2585 restores what we had before Kopko and Dobbins. The majority of what

changes only changes back to what we had before Kopko and Dobbins.

In Lycoming County, we would have the ability as Sheriffs to continue to assist these agencies, in some cases the opposition, when they call for assistance, routine day-to-day response out of our day-to-day operation when we are on duty and when we have units available. Every law enforcement agency in the Commonwealth does the same thing. If you're available, you go. If you're not available, you don't go.

If I choose to have dialogue as a Sheriff with a municipality under 2585 to discuss the possibility of providing police services, if we have our powers restored, I can agree with you, as a township supervisor as an example, that I will provide 24/7 patrols and I'll give you cars and I'll give you manpower.

That's all fine except the board of commissioners, by virtue of 2585 with the requirement to go through the salary board and by the fact that they have to approve every dime that I get, have the controlling hand in what a Sheriff would receive as far as providing additional services.

I can only provide services if it's approved within my budgeted county structure agreed upon by any municipality who might want services. Yet I would be able to

respond -- this is probably the most important point. I would be able to respond today, as I did before Kopko and Dobbins, with powers of assisting these agencies and these organizations who now oppose this Bill and have the authority, as I had before and my Deputies had before, to provide that mutual aid assistance when we're called to help.

From a cost standpoint, there's not one dollar extended. As the commissioner so eloquently touched base on in his document, if a board of commissioners doesn't approve one additional Deputy, I don't provide any more additional service.

But at least give us the opportunity to provide services based on our training and our qualifications that are greater than Act 120, with Act 2. When we go out and we're asked every day to assist these other law enforcement agencies from local to regional to state to federal level when they call for our help, at least give us the ability to be able to respond with that full authority.

COMMISSIONER FINN: One of the traditional roles as I have seen it growing up in the rural county of the Sheriffs and their Deputies has been basic drug interdiction, working on the drug task force, things like that. Growing up here, they've always done it.

After the unfortunate Supreme Court decision, the Attorney General of the Commonwealth pulled them off of

his drug task force. They're still able to work underneath District Attorneys as, I believe, county detectives, correct me if I'm wrong. Those funds don't come through the general county budget. They come from other areas.

When you said about the mandates, I deal with mandates every day. I deal with mandates from the federal government, from the state government. I know you deal with mandates from the federal government as well that many times aren't paid for. I don't consider this a mandate. This is a choice.

We deal with mandates. As a matter of fact, let's be open here. This county is the one that's suing the State of PA for the District Attorney's salary that we still have not been paid. That was a mandate. We have a very good District Attorney. We want to have a full-time District Attorney and have that protection but the state said they were going to pay us and that hasn't been the case.

That's not in this Bill. This Bill is not saying, hey, we're going to give you Sheriff Deputies that you must have to do this certain job and we're going to pay you or not pay you for it. That's not what this is saying. This is giving the choice back to the local citizens which is what the Commonwealth is.

CHAIRMAN BELFANTI: Any other questions?

Yes?

SHERIFF WELSH: I would like to, Rep, address your question. Again, my name is Carolyn Welsh. I'm the Sheriff of Chester County, PA with a population of half a million people, 73 municipalities and 47 police departments. We don't need to be patrolling or on the street if this Bill becomes law.

REP GOODMAN: But my point is, you're not going to be able to pick and choose.

MS. WELSH: Right.

REP GOODMAN: Be careful what you wish for. I will sponsor the Bill if the Chairman asks me to vote for it. I know what you're asking for. I'm giving you the other side. I'm not giving you the county commissioners' side.

I served as a borough councilman for eight years in a municipality that was hanging on by its fingernails to maintain a local police department. I was an elected official in a local community. If I know that I can now count on the Sheriff's Department, I'm going to be asking -- all I'm saying is, careful what you wish for. You just may get it. That's all I'm saying.

SHERIFF WELSH: I do understand and I hear what you're saying. That assumes that this Bill is looking for expansion which is the word that's used or misused. It's not expansion. It's clarification and restoration. They

are very different terms.

REP GOODMAN: And I understand.

SHERIFF WELSH: It's not expansion.
It's to clarify and restore.

REP GOODMAN: Some people would say the court rulings took away your powers. Other people who have read the rulings would say it better defined what a Sheriff's Department does.

SHERIFF WELSH: So we can agree to disagree.

REP GOODMAN: What I'm saying is, currently the ruling would say that the primary responsibility of the Sheriff's Department would be to maintain law enforcement at the courthouse and county property countywide and to provide assistance and functions that are of a county basis, drug task force or if there's a county fair or whatever it may be. That's how they redefined it.

Now you're asking to go back to the original one which is an expansion of your law enforcement powers. And I'll support that because I'll base it on what I know in my own little county and that is that I have all the confidence in the world of my Sheriff and their department. But this isn't just an easy decision that we need to make.

SHERIFF WELSH: I understand that.

REP GOODMAN: If all 67 counties work as

well Schuylkill County, I don't think there will be a problem. I'm just going on the record right now and saying that we are called upon at the state level to buck up because when we make these decisions at this level, it ultimately comes back to us.

For example, I believe that every county should have a full-time District Attorney. I believe that I voted for it. We ran out of money and now we're being sued. We pass this Legislation. It expands your powers. Your powers are called on. Then the county says they can't pay for it and they say, you gave them the extra power. You guys should buck up. These are my thoughts. That's all I have.

CHAIRMAN BELFANTI: Thank you, Rep Goodman. One point also I would like to make before adjourning is it's not the counties who haven't paid up on the DAs. It's us, the state. We have not paid the counties for the additional costs of their full-time DAs. That has just not been in the budgets from our own Governor and it is not in this year's budget either, as I read it so far, although we do have some tweaking to do in September or October.

I want to thank all of the members who made the trip here for this hearing and thank everyone in the audience for their attendance, also for the decorum that was displayed throughout from everyone who's here. I appreciate it. At this time, I would like to adjourn the meeting of the House

Labor Relations Committee. Meeting adjourned.

(Hearing concluded at 3:54 p.m.)

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

Shannon L. Manderbach
Notary Public