

**House Labor Relations Committee  
September 13, 2010  
Testimony of Sheriff Thomas Lyter**

Good Morning. My name is Thomas Lyter and I serve as the Sheriff in Juniata County. I am also the current President of the Pennsylvania Sheriff's Association. On behalf of the Pennsylvania Sheriff's Association I wish to thank the Chairman, House members and the staff of the House Labor Relations Committee for their time in conducting these informational hearings throughout Pennsylvania this summer to discuss the important issues regarding the clarification of the powers and duties of the Office of Sheriff in Pennsylvania.

By way of background, I have been the Sheriff in Juniata County for nearly 21 years. Since April of 2004, I have also served as the Warden of the Juniata County jail. I am a member of the National Sheriffs Association as well as numerous county, and state, committees and most recently I have been appointed to the County's Child Death Review Board.

Juniata County is a 7th class county with 4 boroughs and 13 townships, with only 1 part time police officer. Juniata County shares the Pennsylvania State Police troop in Lewistown with Mifflin County. We have six deputies in Juniata County.

Article IX, Section 4 of the Pennsylvania Constitution designates the sheriff as a county officer. Although the Constitution establishes the office, it does not describe the duties of a sheriff. Historically, under common law, the sheriffs and deputy sheriffs were charged with maintaining peace within the county, apprehending and committing to prison those who break the peace and maintaining law and order within the county.

Additionally, the common law power of sheriffs is to make arrests without warrant for felonies and for breaches of the peace committed in his/her presence.

The National Sheriffs' Association lists the following law enforcement duties of Sheriffs in Pennsylvania: (1) working on drug task forces; (2) working on evidence collection teams; (3) actively participating in criminal investigations; (4) participating in

canine patrols; (5) participating in narcotics patrols; (6) executing search warrants; (7) and enforcing the Motor Vehicle Code. Other law enforcement duties may include road patrol, traffic, general and specialized criminal investigations, crime prevention activities, maintaining a crime lab, crime site analysis, criminal intelligence, narcotics enforcement, emergency services, and performing licensing and communication tasks. For many years throughout the Commonwealth the Office of Sheriff and all law enforcement agencies have worked together, side-by-side on law enforcement matters and the team effort worked well. It is only within the last several years that the powers and duties of the Office of Sheriff have been called into question following the Pennsylvania Supreme Court's decision in *Kopko v. Miller* and *Commonwealth v. Dobbins*.

In 2005, Representative Craig Dally introduced House Bill 466 to address the issue of restoring the sheriffs and deputies authority and investigative powers. The bill was met with opposition from the Pennsylvania State Police, the Fraternal Order of Police, the

Pennsylvania Chiefs of Police Association, the District Attorneys' Association, the Attorney General and the County Commissioners Association. After meeting with the various groups in order to discuss a solution, the County Commissioners decided to remain neutral, but the other groups maintained their opposition. The Pennsylvania Sheriffs' Association continued to work on the issue and reached out to the various groups. Representative Belfanti and his staff drafted House Bill 2585 as a compromise following the discussions during the past several years with the Legislature and other stakeholders.

While the opponents of House Bill 2585 claim that part of the reason for their opposition is that the sheriffs and deputy sheriffs are not trained like the Pennsylvania State Police or the municipal police and therefore should not possess law enforcement duties, this claim is simply not true. Deputy Sheriffs are required to complete a rigorous 19-week training that totals 760 hours encompassing both civil and criminal law. The training is equivalent to MPOETC (Municipal Police Officers' Education and

Training Act) or state police training. They also take an oath to protect and serve the same as other law enforcement officers of this Commonwealth. In addition to their initial training, Pennsylvania's Sheriffs Offices continue to provide its Deputy Sheriffs with training and recertification every two years for Act 2 and those Deputies that are Act 120 trained and certified receive recertification each year. This training is the same type of training as municipal police receive and is completed in accordance with Pennsylvania Law.

Of the 2,000 plus Deputies in the Commonwealth, nearly 900 have Act 120 training and certification and many are current full and part time police officers or former police officers. Many deputies perform law enforcement duties while working as municipal police. It is only when they wear their sheriff's uniform that they are not considered law enforcement.

House Bill 2585, Printer's Number 4022 is drafted to restate the power and authority of the trained sheriffs and deputies and specifically states in Section 2114 that no police department, law

enforcement agency, municipal police chief or officer would be supplanted, abolished or replaced by the County Sheriff's Office. The legislation also gives the Office of Sheriff the authority to protect their courthouses and county properties. House Bill 2585, Printer's Number 4022 clarifies that sheriffs and deputy sheriffs may assist other law enforcement officials including the Attorney General and the county district attorney.

The citizens of Pennsylvania expect law enforcement to work to rid our communities of crime and for centuries, the sheriffs have been an integral part of this mission. In 2006, the Pennsylvania Sheriffs' Association commissioned a poll asking residents whether they thought that the sheriffs and deputies possessed the same arrest powers as other law enforcement officials and a resounding 73% of those polled believed that they did possess that power. Additionally, 65% believed that if the sheriffs and deputies did not currently possess the power, that they should have it with 64% in support of a law giving deputy sheriffs the same law enforcement powers as the state and local police.

As more communities decide that they cannot afford their police departments, the state police are required to cover greater areas of the state without being able to graduate new state police cadets to help fulfill these demands. Additionally, we continue to read that because of recent tough budget years, the Pennsylvania State Police are stretched to capacity. With more than 2,000 highly trained deputy sheriffs across the Commonwealth, it seems foolish to continue to claim that the sheriffs are not adequately equipped to function side-by-side with other law enforcement officers.

We urge the committee to support the clarification of the powers and duties of the sheriffs and deputies as outlined in House Bill 2585 and will continue to work with the committee toward final passage of the legislation. I am available to answer any questions that you might have at this time.