

**TESTIMONY TO THE STATE GOVERNMENT COMMITTEE CONCERNING HOUSE
BILL 466**

May 8, 2017

Good Morning,

My name is Paris Washington. I hold the rank of Chief Inspector and serve under the Honorable Jewell Williams, Sheriff of The City and County of Philadelphia. I currently have served over 33 years to the citizens where I was born and raised. I now serve as the President of the Deputy Sheriffs' Association of Pennsylvania.

I want to thank you for this opportunity to address this committee in regards to
House Bill 466

I want to start by giving you a historical view of the Sheriff.

Daniel 3:2 " Then Nebuchadnezzar the King sent to gather together the princes, the governors, and the captains, the judges, the treasurers, the counselors, the sheriffs, and all the rulers of the provinces, to come to the dedication of the image which Nebuchadnezzar the king had set up"

Moving forward

On October 27, 1682 William Penn arrived in New Castle. Two days later, Penn proceeded up the river, stopped at Upland; in which its name was changed to Chester. In a few days, Penn sailed up to the new city and landed from a boat at the mouth of Dock Creek, where George Guest had built a house.

At a monthly meeting held on the 8th or 9th month 1682. At the time Governor William Penn and a multitude of friends arrived here and elected a city called Philadelphia.

Among Penn's first acts after his arrival was the appointment of the sheriffs and other officers subordinate to them in each county. John Tost was the first sheriff of Philadelphia County.

The Office of the Sheriff, since its creations has served and protected the citizens of this great Commonwealth.

The Sheriff has retained the position as the highest elected law enforcement officer in the County in which they serve.

Throughout history the sheriff has served many duties placed upon them. In 1880 then Sheriff Enoch Taylor carried out the execution of John Smith as part of his duties.

Please let me state Sheriff's are not "Police Officers." They are "Law Enforcement Officers" The difference is clear. Police officers serve the City, Township, etc. and are appointed by local authorities. The Sheriff is a County Officer elected by the citizens. However, all take the same oath to support and defend the United States Constitution, The Pennsylvania Constitution and all local laws and rules.

The question is authority.

In 1997, Senator Robert D. Robbins, Chairman of the Local Government Commission received as response from the Pennsylvania Office of the Attorney General documents in which House Resolution 167 Task Force Members requested the answer to the following question.

What are the current police powers of sheriffs and deputies in Pennsylvania based on, a review of statutory law, case law and common law?

After a review of that submission, I believe that it clearly defines, explains and addresses the issues before this committee.

Today, throughout this Commonwealth the need to protect the citizens from not only local crimes but the threats against the way of life in this country requires a joint effort from all Law Enforcement, local, county, state and federal to serve and protect the freedoms that both constitutions guarantee.

By passing this bill, you support the founding father William Penn's objectives; a Government of the people (House of Representatives, State Senate) and the elected Law Enforcement Officers (Sheriff).

I have attached copies of the documents that I have referred to in my testimony.


On behalf of the over 2000 deputy sheriffs whom serve with pride, and
professionalism

Thank you for this opportunity to address this honorable body.

Where in Scripture?

Type in a word or phrase and find questions and Bible verses.

Where in Scripture does it mention

☐ exact match 

[A](#)[B](#)[C](#)[D](#)[E](#)[F](#)[G](#)[H](#)[I](#)[J](#)[K](#)[L](#)[M](#)[N](#)[O](#)[P](#)[Q](#)[R](#)[S](#)[T](#)[U](#)[V](#)[X](#)[Y](#)[Z](#)

Scriptures about a Sheriff - Bible Verses Online

Please help by voting up the best Bible Verses, and vote down any that don't belong. You can suggest a Verse or make a comment by using the comment box below!

[Daniel 3:2](#) Then Nebuchadnezzar the king sent to gather together the princes, the governors, and the captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, to come to the dedication of the image which Nebuchadnezzar the king had set up.

Votes: 0

[Daniel 3:3](#) Then the princes, the governors, and captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, were gathered together unto the dedication of the image that Nebuchadnezzar the king had set up; and they stood before the image that Nebuchadnezzar had set up.

Votes: 0

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Oath to Execution of Death Warrant.

COMMONWEALTH,

vs.

SMITH.

In the Oyer and Terminer and Quarter
Sessions of the Peace for the City
and County of Philadelphia.

The said defendant convicted of murder in the first degree.

Oath of Enoch Taylor, Esq., Sheriff of the County of Philadelphia, in compliance with the provisions of Section 76, of an Act passed March 31, 1860, entitled, "An Act to consolidate, revise and amend the Laws of this Commonwealth relating to Penal proceedings and pleadings."

CITY AND COUNTY OF PHILADELPHIA, ss.

Enoch Taylor, Esq., Sheriff of the County of Philadelphia, being duly sworn, according to law, saith, that in obedience to the command contained in a Warrant of the Governor of the Commonwealth of Pennsylvania, dated the first day of June, A. D. 1880, and directed to this affiant, as Sheriff aforesaid, he did cause the sentence of death by hanging by the neck to be executed upon the body of the above named John Smith, in the yard [or, within the walls] of the County Prison, in the County aforesaid, on the eleventh day of June, A. D. 1880, at ten o'clock and fifteen minutes in the morning.

ENOCH TAYLOR,

Sheriff.

Sworn and subscribed to before
me, this 11th day of June, A. D.
1880.

WM. R. LEEDS,

Clerk of Oyer and Terminer, &c.



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL
HARRISBURG, PA. 17120

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D. MICHAEL FISHER
ATTORNEY GENERAL

November 25, 1997

Senator Robert D. Robbins, Chairman
Local Government Commission
Senate Box 203078
Main Capital Building
Harrisburg, PA 17120-3078

Dear Senator Robbins:

Enclosed is a report prepared by the Pennsylvania Attorney General's Office and Sheriff Dennis C. Rickard addressing the current status of the police powers of the Pennsylvania Sheriffs and their Deputies. You will also find a disc in WordPerfect format to facilitate changes.

If you or any members of your staff have questions concerning this report prior to the Thursday, December 11, 1997 meeting, please contact Mr. Michael Clark, Legal Intern, Criminal Law Division, Criminal Prosecution Section, Office Of Attorney General. Mr. Clark may be reached at 717-783-9995.

Sincerely,

David J. Kwait, Chief
Office of l Investigations
Criminal Law Division
Office of Attorney General

DJK:krd

Enclosure

MEMORANDUM

TO: House Resolution 167 Task Force Members

FROM: David Kwait, Chief Office of Investigations - Criminal Law Division
Office of Attorney General
Sheriff Dennis Rickard, Secretary/Treasurer Pennsylvania Sheriffs' Association
By Michael Clark, Legal Intern - Criminal Law Division, Criminal Prosecutions
Section, Office of Attorney General.

RE: Current status of the police powers of Pennsylvania sheriffs and their deputies.

DATE: November 25, 1997

QUESTION PRESENTED

I. WHAT ARE THE CURRENT POLICE POWERS OF SHERIFFS AND DEPUTIES IN PENNSYLVANIA BASED ON A REVIEW OF STATUTORY LAW, CASE LAW, AND COMMON LAW ?

BRIEF ANSWER

The office of the sheriff was recognized in the earliest reports of English law. Throughout history the sheriff was recognized as the chief law enforcement officer in his shire or county. This status remains today, unless it has been changed by statutory law. The sheriff is also given authority to appoint deputies which are necessary in order to properly transact the business of his office. The requirement for training of deputy sheriffs is specifically provided by statute, e.g., the Deputy Sheriffs' Educational Training Act. 71 P.S. § 2104, *et seq.* However, based on a Pennsylvania Supreme Court case, a deputy sheriff needs training similar to police officers to enable a deputy sheriff to enforce specific laws of Pennsylvania. A review of statutory law

provides little guidance in addressing the issue of the duties, power, and authority of a sheriff. Case law provides that, although a sheriff's primary responsibilities are to the courts, the sheriff retains all of his common law powers unless abrogated by statute. Thus, a sheriff has the power and authority to investigate or aid in the investigation of crime. More importantly, since the sheriff retains all arrest powers he had at common law, he has the authority to enforce the criminal laws as well as the vehicle laws of Pennsylvania.

ANALYSIS AND DISCUSSION

To thoroughly address and answer this question, this analysis has been divided into three sections: historical review of the sheriff's office; training requirements; and the police power of sheriffs and deputies today.

Historical Review of The Sheriff's Office

The office of the sheriff was recognized in the earliest reports of English law. In fact, cases discussing the sheriff's office recognized it as even predating the Magna Carta. *Commonwealth v Leet*, 537 Pa 89; 641 A.2d 299 (1994); See also 70 Am Jur 2d, Sheriffs, Police, and Constables §2. Throughout history the sheriff was recognized as the chief law enforcement officer in his shire or county. *Leet* at 95. The sheriff is the "principal conservator of the peace within his bailiwick." *Commonwealth v Vandyke*, 57 Pa 34, 39 (1868). This status remains, unless it has been changed by the growth of local police departments or by statute. 70 am Jur 2d, Sheriffs, Police, and Constables § 2. In Pennsylvania, the sheriff is recognized as a County Officer by the Constitution. "County officers shall consist of commissioners, controllers or auditors,

district attorneys, public defenders, treasurers, *sheriffs....*" (Emphasis added) Pa Const. Article 9 §4. A sheriff is an elected officer and is to hold a four year term. Pa Const. Article 9 §4. The sheriff is also given authority to appoint deputies which are necessary in order to properly transact the business of his office. See 42 Pa. C.S. 2921 (First class counties); 16 P.S. 4205 (Second class counties); 16 P.S. 1205 (Third - Eighth class counties). Thus, the sheriff and the power of the sheriff have a strong historical background that provides guidance in reviewing this issue.

Training Requirements

The requirement for training of deputy sheriffs is specifically provided by statute. The Deputy Sheriffs' Educational Training Act was established in 1984. 71 P.S. § 2104, *et seq.* The Act established what is known as the Deputy Sheriffs' Education and Training Board. The board's function is to establish, implement, and administer a minimum course of study, as well as in-service training requirements for deputy sheriffs. The training is to consist of a minimum of 160 hours; the content of which is to be determined by regulation. (See attachment A). The Act also provides that it is the duty of all sheriffs to insure that each deputy employed, who does not meet an exception, receives the training as required by the Act prior to performing any duties of a deputy sheriff.

In addition to this required training it is important to note that in *Commonwealth v Leet*, 537 Pa 89; 641 A.2d 299 (1994), the Pennsylvania Supreme Court imposed additional training requirements upon a deputy sheriff. The court stated that before a deputy sheriff can perform certain functions, such as enforcing motor vehicle laws, the deputy sheriff must "complete the same type of training that is required of police officers throughout the Commonwealth." *Id* at 97.

Municipal police officers in Pennsylvania are required to undergo mandatory training as established under 53 Pa. C.S.A. 2161, *et seq*, also known as Act 120. The Municipal Police Officers' Education and Training Program is administered under the guise of the Pennsylvania State Police. The duties of the commission include the obligation to establish and administer minimum courses of study for basic and in-service training of police officers. (See attachment B).

Thus, training requirements in Pennsylvania are mandated by statute. A deputy must, at a minimum, undergo the training as established by the Deputy Sheriffs' Education and Training Act. However, based on *Leet*, a deputy sheriff may need to undergo additional training similar to municipal police officers' training to enable a deputy sheriff to enforce the vehicle laws of Pennsylvania.

Police Power

. "[Police power] is [t]he power of the State to place restraints on the personal freedom and property rights of persons for the protection of the public safety, health and morals...." Blacks law dictionary 5th Edition.

In determining the extent of the police power of the sheriff and his deputies in Pennsylvania, one must first look to the statutory law.

"Constables, County Detectives, *Sheriffs*, *Deputy Sheriffs*, waterways patrolmen and game protectors shall perform all those duties authorized or imposed on them by statute." (Emphasis added) 16 P.S. 1216.

"The Sheriff, either personally or by deputy, shall serve process and execute orders directed to him pursuant to law." 42 Pa. C.S.A. 2921.

These two sections are the only guidance that the statutes actually provide in addressing this issue; e.g., the duties, power, and authority of a sheriff in Pennsylvania. A review of additional statutory sections does not aid in addressing this issue. *Venneri v County of Allegheny*, 12 Pa.

Cmwlth. 517; 316 A.2d 120 (1974). In fact, a sheriff or his deputy possesses no statutory arrest or search powers. (See Peter J. Gardner, *Arrest and Search Powers of Special Police in Pennsylvania: Do your Constitutional Rights Change Depending on the Officer's Uniform*, 59 Temp. L.Q. 497, 535 (1996)).

A review of case law does add guidance to this issue. A sheriff's primary responsibilities are to the courts. These responsibilities include the responsibility to "escort prisoners, keep order, protect judges, serve notice on litigants, provide security in the courthouse, carry out orders and warrants issued by the judges, enforce injunctions, and perform other duties as may be assigned by the court." *Venneri v County of Allegheny*, 12 Pa. Cmwlth. 517, 524; 316 A.2d 120, 124 (1974).

However, a sheriff's power and authority is not limited to his court related duties. A sheriff does have the power to investigate or aid in the investigation of a crime. Whether or not the sheriff wants to do so is within the discretion of the individual sheriff. *Miller v Klunk*, 15 D & C 3d 599 (1980). Thus, due to the discretion that is afforded individual sheriffs, there are considerable differences in how departments operate throughout Pennsylvania, each one varying according to the basic philosophy of the sheriff. *Id.*

The Pennsylvania Supreme Court has held that a sheriff has all powers which he possessed at common law unless abrogated by statute. In *Commonwealth v Leet*, 537 Pa 89; 641 A.2d 299 (1994), a deputy sheriff had stopped a defendant for a traffic violation and later charged the defendant with violations of the drug law after finding drugs in the vehicle. The lower court suppressed the drugs stating the deputy sheriff lacked the authority to stop the vehicle. The Commonwealth appealed the suppression.

The issue on appeal was whether the deputy sheriff had authority to make a warrantless arrest for motor vehicle violations committed in his presence. The Pennsylvania Supreme Court

held that a sheriff or his deputy retains powers he had at common law, unless abrogated by statute, thus he does have the power to enforce vehicle laws.

The court's rationale was based on a historical analysis of the common law powers of a sheriff. This power includes the common law power to arrest in criminal cases, as the sheriff was the chief law enforcement officer of the county. The court then stated that "unless the sheriff's common law power...has been abrogated...." the sheriff retains that power. *Id* at 96. The court found no provision in the motor vehicle code abrogating the power to enforce a breach of peace, thus the sheriff can enforce such laws. However, the court did qualify the grant of authority by requiring the deputy sheriff to complete the same training that is required by police officers in Pennsylvania. (See training section above.)

In the Superior court opinion, which had affirmed the lower court decision in favor of the defendant, *Commonwealth v Leet*, 401 Pa. Super. 490; 585 A.2d 1033 (1991) (Cirillo, P.J. dissenting), President Judge Cirillo filed a dissenting opinion thoroughly discussing the common law power of a sheriff and the retention of that power today. Judge Cirillo stated that although the "constitution created the sheriff's office, it did not define his powers." *Id* at 504. Judge Cirillo then cited the Commonwealth Court decision in *Venneri* in support of his position on the lack of any statutory enumeration of the sheriff's powers. "[W]e are somewhat dismayed by our research disclosure that the legislature has never chosen to enact legislation delineating the general powers, duties, and responsibilities of the sheriff." *Id* at footnote 2 p. 504. "Thus, since the sheriff is a constitutional officer, he is vested with the powers and duties possessed by sheriffs at common law." *Id* at 508. "The modern sheriff's powers and duties ... must be determined with reference to the powers of the office when it was first created; thus requiring a review of common law." *Id* at 509, 510. Judge Cirillo quoted from commentaries on the laws of England in

considering the sheriff's common law powers:

"[The sheriff's powers and duties required him to] apprehend, and commit to prison, all persons who break the peace, or attempt to break it; and may bind any one in a recognisance to keep the peace. He may, and is bound ex officio to pursue, and take all traitors, murderers, felons, other misdoers, and commit them to gaol for safe custody." *Id* at 511.

After reading *Leet*, and Judge Cirillo's dissenting opinion from the Superior Court decision, one can definitely state that a sheriff or his deputy has authority, when properly trained, to enforce the crimes code or vehicle code for offenses which occur in their presence. The sheriff has all the powers he had at common law while acting as the chief law enforcement officer of the county, unless such authority is abrogated by statute. "In short, it is not necessary to find a motor vehicle code provision granting to sheriffs the power to enforce the code--sheriffs have had the power and duty to enforce the laws since before the Magna Carta; rather it would be necessary to find an unequivocal provision in the code abrogating the sheriff's power in order to conclude that the sheriff may not enforce the code." *Commonwealth v Leet*, 537 Pa 89, 96; 641 A.2d 299, 303 (1994).

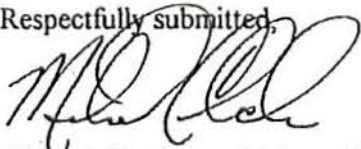
In order to clearly state the powers of a sheriff in Pennsylvania one must review the common law authority of the sheriff. Then, following *Leet*, one must look to statutes to find any possible abrogation of that authority. A thorough review of statutory law shows no express abrogation of any common law police power or authority of the sheriff. Additionally it has been suggested by Horace A. Johnson, solicitor of the Pennsylvania Sheriffs' Association, that although "the legislature may impose additional duties upon the Sheriff, where he is recognized as a constitutional officer, it cannot restrict or reduce his powers as allowed by the constitution, or as they were recognized when the Constitution was adopted." Letter from Horace Johnson, Solicitor Pennsylvania Sheriffs' Association, to Office of Attorney General (Nov. 3 1997)(On file

with Dave Kwait, Office of Attorney General). The "Sheriffs' arrest powers are derived from the Constitution and the abrogation thereof will require a constitutional amendment." *Id.* Mr. Johnson cites the following authority for this position. *Anderson, Sheriffs* at Section 43 at 37; *Sheriffs and Police*, Section 56 at 270; *Brownstone Township v County of Wayne*, 68 Mich. App. 244, 248, 242 N.W.2d 538, 539 (1976). Thus, a sheriff in Pennsylvania retains the common law powers to prevent breeches of peace committed in his presence, as the chief law enforcement officer of the county. The only limitations on the sheriff's authority are training requirements and the individual sheriffs own philosophy in executing the duties and responsibilities of his office.

CONCLUSION

The sheriff and the history of the sheriff's office dates back to the beginning of our country. The primary responsibility of the sheriff throughout history has been to act as the chief law enforcement officer of the county. Today, the sheriff retains that same power and authority which he has held throughout history. The exercise of this authority is limited only by the statutory and case law requirements of mandatory training for deputy sheriffs prior to their ability to enforce laws in the Commonwealth of Pennsylvania.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Clark', written over the typed name.

Michael Clark, Legal Intern, Office of Attorney General
Criminal Prosecutions Section

ATTACHMENT A

CURRICULUM SUMMARY

The deputy sheriffs basic training program developed by Temple University under the auspices of the Deputy Sheriffs' Education and Training Board has several objectives which seek to improve the performance of deputy sheriffs in their vital role within the civil and criminal justice systems. These objectives include:

- Providing deputy sheriffs with a framework for understanding their role in the administration of civil and criminal justice in the Commonwealth.
- Providing the deputy sheriffs with an understanding of the role of the criminal justice system in society.
- Providing the deputy sheriffs with a thorough understanding of the law, constitutional authority and procedural rules associated with their responsibilities.
- Providing deputy sheriffs with the skills necessary to competently perform their duties in areas such as prison control, court security, civil process, strike actions, and emergency medical situations.
- Developing the deputies' attitudes toward public safety and courtroom security as well as the skills necessary to carry out their responsibilities to the public, court, witnesses, spectators and defendants.
- Developing the deputy sheriffs' patterns of observation, analysis and communication skills conducive to the effective performance of assigned duties.

Collectively, the 11 major parts of the basic training program constitute an integrated approach to training. The knowledge, skills and abilities necessary for entry-level deputy sheriffs throughout Pennsylvania are represented in this training program.

DEPUTY SHERIFFS' BASIC TRAINING CURRICULUM SUMMARY

PART ONE

INTRODUCTION OF CRIMINAL JUSTICE AND THE POWERS, DUTIES AND ROLES OF THE DEPUTY SHERIFFS IN PENNSYLVANIA

(8 Hours)

Part One explains the criminal and civil justice system and the role of the sheriff in both of these legal and administrative systems. The historical and modern-day role of the sheriff is also explained, as well as the constitutional requirements of a sheriff in the Commonwealth of Pennsylvania.

- I. Introduction to Criminal Justice
- II. The Historical and Modern Development of the Sheriff's Role
- III. Powers and Duties of the Sheriff in Pennsylvania

PART TWO

THE COURTS OF PENNSYLVANIA

(6 Hours)

Part Two examines in detail the courts in Pennsylvania with specific emphasis upon identifying the deputy sheriff's role in relation to others in the courtroom setting. The structure and functions of court personnel are considered in this section, as well as the major stages of the court process where sheriffs are most typically involved.

- I. Framework of the Courts
- II. Unified Court System of Pennsylvania
- III. Structure of the County Court System
- IV. Courtroom Procedures: Criminal
- V. Courtroom Procedures: Civil
- VI. Structure of Trials

PART THREE

CIVIL PROCEDURE (30 Hours)

Part Three focuses specifically on civil procedure and the role of sheriffs and their deputies in the community. Various civil actions, and the sheriff's responsibilities in these actions are considered.

- I. A Civil Lawsuit - Overview
- II. Sources of Rules Governing Deputy Sheriffs' Civil Procedure Activities
- III. The Constitution and Civil Procedure
- IV. Service of Original Process in a Civil Action
- V. Service of Original Process in Actions Other than Civil Actions
- VI. Replevin (Complaint, Writ of Seizure, Impoundment)
- VII. Proceeding Quasi in Rem (Writ of Attachment)
- VIII. Enforcement of Judgements (Writ of Execution, Writ of Possession, Order of Execution, and Sheriff's Sales)
- IX. Evictions (Order of Possession)
- X. Subpoenas
- XI. Domestic Matters
- XII. Mental Health Act

PART FOUR

PENNSYLVANIA CRIMES CODE, CRIMINAL PROCEDURE AND EVIDENCE (18 Hours)

Selected aspects of the Pennsylvania Crimes Code are the subject of Part Four. This component of training examines the criminal law, particularly those aspects of the law that are relevant to sheriffs' departments. The trial process, criminal offense definitions, the laws of search and seizure, evidence, and arrest are also presented.

- I. Introductory Overview
- II. Criminal Process Overview
- III. Pennsylvania: Overview of the Crimes Code
- IV. Crimes Code and Sentencing -- Elements of Crime and Specific Offenses
- V. Criminal Procedure and Evidence -- Search and Seizure
- VI. Criminal Procedure -- Arrest, Extradition, Securing Witnesses, Use of Force
- VII. Criminal Procedure and Evidence -- Law of Evidence
- VIII. Residual Laws and Issues

PART FIVE

COURTROOM SECURITY (5 Hours)

Part Five examines the role of the deputy sheriff in securing the courtroom environment. The practical concerns of officer and courtroom security, risk prediction and the use of several techniques necessary to protect the trial process are examined.

- I. General Courtroom and Trial Security
- II. High Threat Trial

PART SIX

PRISONER TRANSPORTATION (5 Hours)

Part Six provides information to deputy sheriffs on the safe and secure transportation of prisoners within the court and sheriff's custody. All forms of transportation, as well as interstate and intrastate prisoner supervision are presented.

- I. Prisoner Transportation: Principles and Practices
- II. Prisoner Movement

PART SEVEN

FIRST AID (18 Hours)

Part Seven concerns the life saving role of deputy sheriffs, by providing a certified course of instruction for Basic First Aid and CPR. These skills are essential to the safety mission of sheriffs' departments.

- I. Basic First Aid
- II. CPR

PART EIGHT

CRISIS INTERVENTION

(10 Hours)

Deputy sheriffs' skills at diagnosing violent and potential crisis situations, and in taking appropriate action are the subject of Part Eight of the training program. Understanding violent situations in individual and group behavior can improve both the selection and use of interventions by the deputy sheriff.

- I. Mental Illness and Abnormal Psychology
- II. Crisis and Conflict

PART NINE

FIREARMS

(24 Hours)

Part Nine of the training program is devoted to firearms familiarization. Deputy sheriffs will be certified in the basic use of a service revolver. They will also be given weapon retention instruction and discuss the legal and ethical aspects of the use of deadly force.

- I. Introduction
- II. Weapons and Ammunition
- III. Fundamentals of Combat Shooting
- IV. Use of Deadly Force
- V. Range Activities

PART TEN

SELF-DEFENSE, DEFENSE TACTICS, MECHANICS OF ARREST, AND PHYSICAL CONDITIONING

(25 Hours)

Several technical and physical skills related to self-defense, defense tactics, methods of affecting an arrest, and in sustaining a physical conditioning regime are the subject of Part Ten of the training program. These physical and defense related skills concern the protection of deputies themselves, as well as the restrained use of force.

- I. Self-Defense Basic Skills
- II. Come-Along Techniques
- III. Unarmed Defense
- IV. Armed Defense
- V. Mechanics of Arrest
- VI. Barricaded Persons
- VII. Use of Baton
- VIII. Stretching and Exercise
- IX. Stress, Nutrition and Basic Exercise Physiology

PART ELEVEN

COMMUNICATIONS AND PROFESSIONAL DEVELOPMENT (10 Hours)

Part Eleven presents information to improve the deputy sheriff's ability to communicate effectively and to understand his or her professional role in the community. Communications behavior, professional development and community relations are central themes in this segment of the training program.

- I. Formal Communications
- II. Professional Development
- III. Community Relations

* Information provided by Steve Spangenberg, Pennsylvania Commission on Crime and Delinquency

TRAINING AND CERTIFICATION PROGRAMS

Initial certification of newly hired deputies through basic training completed its twelfth year under the administration of the Deputy Sheriffs' Education and Training Board and the Pennsylvania Commission on Crime and Delinquency, in accordance with the provisions of Act 1984-2. During those 12 years the Board has held 25 basic training classes and 13 waiver classes, certifying a total of 2,209 deputy sheriffs.

As a result of the Board's review of the delivery methods for other state-level criminal justice training programs, the training needs of deputy sheriffs, cost effectiveness, and the intent of Act 1984-2, the Board determined that the best means of successfully presenting a quality basic training program was to utilize a single, residential training site. Basic training consists of 160 hours of instruction presented during a four-week course and includes major subject areas related to the duties of a deputy sheriff: civil and criminal law and procedure; court security; prisoner transport; mechanics of arrest; crisis intervention; professional development; self-defense; first aid; and firearms. The civil procedures portion of the training accounts for one-fourth of the course and provides an in-depth approach to the mechanics of the civil law system.

Waivers of basic training are issued for a limited class of deputies and an examination is used to verify the knowledge of waiver applicants. Deputies are granted a waiver of basic training, due to their prior Pennsylvania-based law enforcement experience and training. They are required to attend a 40-hour, one-week waiver course which covers the topics of civil law and procedure, court security, and prisoner transport.

In its continuing quest to improve the proficiency, safety and professionalism of deputy sheriffs in Pennsylvania, the Board instituted several changes to the 1996 basic training. An improved physical form was developed to ensure that deputies attending training were physically capable of completing all tasks required for certification. Proficiency examinations were added for the self-defense, CPR and first aid subjects to test hands-on knowledge. Finally, retesting opportunities were limited to set a higher academic standard for deputies.

Annually, the Board's basic training delivery contractor, the Dickinson School of Law, provides two four-week basic training courses and two one-week waiver training courses. During the 1996 basic training schedule 202 deputies successfully completed training, 148 in basic training and 54 in the waiver course, a 22% increase in attendance over 1995.

As a means of re-certifying deputies, Act 1984-2 requires attendance of continuing education every two years. The Deputy Sheriffs' Education and Training Board has organized continuing education into two-year training cycles, with the training conducted in ten locations across the Commonwealth during each cycle. During 1996, a total of 841 deputies attended 20 scheduled courses. The biennial training is provided by the Board's continuing education training delivery contractor, Temple University Department of Criminal Justice.

Since its initial effort to develop continuing education training, the Board has viewed the program as a means of maintaining the level of proficiency of each deputy sheriff. The continuing education is designed to refresh, update and expand upon the job-related knowledge of deputies. In 1996 the Board established a requirement for deputies to successfully pass examinations for all topics taken to remain certified. Deputies who fail an examination are required to attend additional training and successfully pass a retest.

The current continuing education curriculum includes ten topics: Legal Updates; Ethics; Principles of Survival II; Civil Process; Firearms Safety; Prisoner Transportation; Courtroom Security; Explosive Devices; and Domestic Extremist Groups. The topics are organized into five training modules, each consisting of 16 hours of instruction. All of the modules cover the topic of Legal Updates with the remaining nine topics spread among the modules to provide sheriffs and deputies with an opportunity to select topics relevant to their particular duties or training needs. A number of training modules are presented at each site, so departments can schedule attendance to maximize the availability of deputies for duty.

ATTACHMENT B

PENNSYLVANIA MUNICIPAL POLICE OFFICERS

BASIC TRAINING CURRICULUM

PROGRAM OVERVIEW

Statement of Curriculum Philosophy

In designing the curriculum for the Pennsylvania Municipal Police Officers Education and Training Commission, the Temple University approach was to develop a comprehensive task and behaviorally oriented program of instruction for entry-level police officers throughout the Commonwealth of Pennsylvania. This curriculum is designed for statewide application for the roles and functions of a police patrol officer. As such, the curriculum sets the minimum standards and expectations for training and performance for entry-level police personnel in the Commonwealth.

This curriculum stresses the integration of job centered skills, knowledge, roles and tasks with an understanding of the human interaction context within which police actions are taken. It builds upon the task analysis and training needs assessments conducted in the Commonwealth of Pennsylvania in 1981. In those documents 71 duty areas, containing 298 tasks and encompassing hundreds of police officer behaviors, were identified as reflecting the occupational experiences and training needs of the Commonwealth's estimated 22,000 municipal police officers. From that list 66 major subject areas, grouped under 12 topical

headings were identified for inclusion in the revised police training curriculum.

In addition to these job-centered analyses, the basic-level police officer training curricula of several other states were examined to ascertain patterns in police training that may have been absent in the Pennsylvania revised training outline. This review of other states' curricula also provided the opportunity for identifying specific training topics that warranted coverage in the Pennsylvania curriculum.

The basic training curriculum for entry-level police officers outlined in twelve major content areas is structured to accomplish a number of police training objectives. First and foremost, this training should provide police students with the technical proficiency in the performance of their duties. Historically, police training curricula did not adequately reflect the occupational needs of police officers, and as a consequence, these training programs failed to improve technical proficiency. The current program's emphasis on job-task analysis and the job-relatedness of training overcomes this previous shortcoming. As might be expected, a rather significant proportion of the curriculum will reflect this technical proficiency concern.

Secondly, and in addition to the objective of improving technical proficiency, the curriculum is concerned with providing police students with a common understanding of the context within which the police function. This context includes

concern for such issues as criminality and justice, legality and the foundation of law, due process and civil rights, and a number of subjects that orient the student toward the legal, ethical and social issues that arise in law enforcement.

A third and related concern in the development of a state-wide basic training curriculum is the "standardization" of instruction and the "police training experience" throughout the Commonwealth. To accomplish this objective, the curriculum is concerned with shaping the expectations and motivations of individuals who come to the police occupation from a variety of previous learning and occupational experiences. This career or professional development objective stresses an approach that examines individual recruit values, ethics, understanding of various police roles, as well as their understanding of and ability to interact with others in society. Such an orientation is concerned with developing decision-making and perceptual skills that assist the police officer in applying the law and in providing social services throughout their careers.

The resulting over-arching program objectives for the Pennsylvania Municipal Police Officers Basic Training Curriculum can be stated in the following manner:

- 1) The training program assures that police students are provided with a basic understanding of the social, legal, political and ethical contexts within which police services are provided.
- 2) The training program provides students with

realistic career expectations as well as a legitimate and useful motivation for the development of a professional police career.

- 3) The training program provides students with the technical competency to perform the duties of a police officer in the Commonwealth of Pennsylvania.

These objectives cannot be pursued separately. Rather, the learning of general knowledge, skills, motivations, and values is an interactive process, and is incorporated throughout the curriculum. Few areas of instruction will isolate only one of these objectives. Instead lessons must foster a complex integration of attitudes, abilities, judgments, standards, practices, perceptions and knowledge, each of which contributes to "learning" the police role and being able to perform the activities and duties that are required of that role.

Furthermore, in certain instructional areas, the training program has built in redundancies. That is, where critical police behaviors, attitudes, values or knowledge is at stake, the training curricula reinforces these concepts in more than one training module.

Curriculum Enabling Objectives

The over-arching program goals for this basic training curriculum are further sub-divided into enabling objectives, that guide the development of major sections of the curriculum.

Enabling objectives are meant to further define and elaborate the

developmental learning and task proficiency objectives in the entire curriculum. At times these enabling objectives correspond to the major topic areas defined in the curriculum areas (called Training Sections). At other times these enabling objectives are meant to enhance the training program by helping to focus all instruction conducted in the curriculum.

A training program of this size and complexity will, of necessity, require that topics be segmented for the purpose of presentation. In segmenting these topics there is often a tendency to lose sight of the overall goals of the programs. Enabling objectives call our attention to the major goals of this training curriculum.

The enabling objectives of this curriculum expand on the program objectives to assure that police students will;

1. Develop an understanding of the police officer's role in a democratic society including concerns for the rightful use of authority and police powers, discretion and problem solving techniques, and an appreciation for the human values and interactions that bring the police and the community together in matters of crime prevention, law enforcement and order maintenance.
2. Develop an understanding of professional discipline, personal self-discipline, an awareness of self, and an application of these concepts in relation to assertiveness, confidence of action, and use of authority.
3. Develop a personal and professional regime of self-

assessment, physical fitness and emotional balance to assist in adjusting to the many pressures confronted by police officers in the performance of their duties.

4. Develop an understanding of an a facility for using interpersonal techniques, communications and listening skills, and other techniques for providing direction and constructive feedback.
5. Develop an understanding and appreciation of the legal process including criminal, civil and traffic code enforcement, and a capacity to analyze citizen problems, apply the appropriate legal and administrative remedies, while maintaining the legal rights and dignity of the citizen.
6. Develop a facility in the use of behavior management and control techniques in the rightful application of force and in the process of taking individuals into custody.
7. Develop a facility in the application of life saving procedures and an appreciation for the preservation of human life as the ascendant police responsibility.
8. Develop the technical ability to control and manage the use of lethal and non-lethal force, within the constraints of professional ethics, administrative policies and the law.
9. Develop the technical capacity to effectively conduct police emergency responses, patrol assignments, crime scene management and preliminary investigations and other patrol related investigation duties.

10. Develop the technical skills to effectively operate police emergency equipment and vehicles.

Using these enabling objectives, the resulting curriculum for entry-level police officers in the Commonwealth of Pennsylvania is divided under twelve topical headings, reflecting the concerns outlined above. These areas are more fully developed in separate Instructor's Manuals. By way of introduction, the major sections of training are identified below and are accompanied by a brief description of the central concerns raised in each major training area. This information is provided to assist in orienting individual instructors to the general structure of the curriculum. At the end of each Instructor's Manual a more detailed Index of the major topic areas contained in this curriculum is also provided.

PENNSYLVANIA MUNICIPAL POLICE OFFICERS

BASIC TRAINING CURRICULUM

- I. Law Enforcement Orientation
 - A. Foundations of the legal system 4 hours
 - B. The role of the police in the legal system 6 hours
 - C. Functions of the criminal justice system 4 hours
 - D. Legal systems 1 hour
 - E. Antisocial behavior 9 hours
 - F. Professional relations 4 hours
 - G. Ethics and values (workshop) 16 hours

Total 44 hours

- II. Professional Development
 - A. Physical conditioning 32 hours
 - B. Emotional health 9 hours
 - C. Human relations skills 12 hours
 - D. Application of force 24 hours
 - E. Firearms safety and weapons care 2 hours
 - F. Standards of Performance criminal civil liab. 3 hours

Total 82 hours

- III. Law
 - A. Authority and Jurisdiction 2 hours
 - B. Criminal law 32 hours
 - C. Criminal procedure 30 hours
 - D. Evidence 8 hours
 - E. Juvenile Justice 6 hours
 - F. Mental Health Act 2 hours
 - G. Civil Law 3 hours
 - H. Use of force 4 hours
 - I. Controlled substance act 4 hours
 - J. Liquor laws 1 hour
 - K. Domestic violence 4 hours
 - L. Victim assistance act 2 hours

Total 98 hours

- IV. Motor Vehicle Code
 - A. Introduction to the highway safety system 4 hours
 - B. Vehicle code terminology 2 hours

C.	Vehicle terminology	2 hours
D.	Title, registration and vehicle identification	3 hours
E.	Driver licensing	4 hours
F.	Vehicle Regulations	6 hours
G.	Rules of governing movement of vehicles and actions of people	6 hours
H.	Serious Offenses	3 hours
		Total 30 hours
V.	Patrol Procedures and Operations	
A.	History and importance of police patrol	2 hours
B.	Pre patrol and routine patrol procedures	10 hours
C.	Patrol activities and incidents	11 hours
D.	Monitoring vehicular and pedestrian traffic	13 hours
E.	Driving under the influence (DUI)	4 hours
		Total 40 hours
VI.	Investigations	
A.	Investigations overview	2 hours
B.	Preliminary investigation	7 hours
C.	Securing the crime scene	5 hours
D.	Investigative interviewing	4 hours
E.	Processing evidence	7 hours
F.	In-depth investigations	3 hours
G.	Area searches	4 hours
H.	Accident investigation	8 hours
I.	Surveillance	1 hour
		Total 41 hours
VII.	Communications	
A.	Overview to communications	8 hours
B.	One to One communications	5 hours
C.	Delivering correspondence and emergency notification	4 hours
D.	Written communications	5 hours
E.	Public speaking	4 hours
F.	Testifying	4 hours
G.	Reading comprehension (optional)	35 hours (optional)
		Total 30 hours
VIII.	Handling Violent or Dangerous People	
A.	Behavior management and crisis intervention	2 hours
B.	Dispute intervention	2 hours

C.	Handling the mentally ill	3 hours
D.	Hostage situations/barricaded or suicidal persons	2 ½ hours
E.	Role playing	3 ½ hours
		Total 13 hours

IX. Custody

A.	Review of legal authority and constitutional principles	1 hour
B.	Mechanics of arrest and search	8 hours
C.	Transportation of those in custody	3 hours
D.	Booking and lock-up	3 hours
E.	Juvenile custody	2 hours
F.	Custody of mentally ill or disturbed persons	1 ½ hours
G.	Special problems	1 ½ hours
		Total 20 hours

X. First Aid and CPR

A.	Introduction to Emergency Medical care	2 hours
B.	Major signs and symptoms of physical assessment	3 hours
C.	Shock	2 hours
D.	Management of wounds and hemorrhaging	5 hours
E.	Resuscitation and care of the Unconscious patient	17 hours
F.	Recognition and management of internal poisoning	2 hours
G.	Recognition and management of burns and Frostbite	2 hours
H.	Recognition and management of musculoskeletal injuries and orthopedic emergencies	5 hours
I.	Recognition and management of common medical emergencies	2 hours
J.	Recognition and management of childbirth and obstetrical emergencies	2 hours
K.	AIDS (Acquired Immune Deficiency Syndrome)	1 hour
L.	Psychological emergency medical care and psychiatric emergencies	2 hours
		Total 45 hours

XI. Firearms

A.	Introduction to firearms	6 hours
B.	Shooting fundamentals in the classroom	3 hours
C.	Range behavior	2 hours
D.	Examination for service revolver	1 hour
E.	Range work for basic pistol	6 hours

F.	Classroom work for practical pistol	3 hours
G.	Range work for practical pistol	12 hours
H.	Qualification with pistol	4 hours
I.	Introduction to police shotgun	1 ½ hours
J.	Examination for shotgun	½ hour
K.	Range Exercises for shotgun night fire familiarization	4 hours
L.	Night fire familiarization judgment and tactical skills	3 hours
M.	Judgment and tactical skills	6 hours

Total 52 hours

XII. Operation of Patrol Vehicles

A.	Traffic safety and defensive driving	6 hours
B.	Vehicle operation and control	4 hours
C.	Techniques of vehicle control	16 hours

Total 26 hours

*Information on the training curriculum of Municipal Police Officers was provided by Sheriff Dennis Rickard, Butler County