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**Pennsylvania**  
**Sheriffs' Association**

2426 North Second Street  
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INDEPENDENT REGULATORY  
REVIEW COMMISSION

November 7, 2005

Ms. Syndi L. Guido, Policy Director  
Pennsylvania State Police  
1800 Elmerton Avenue  
Harrisburg, PA 17110

**Re: Proposed Rulemaking - 37 Pa. Code Ch. 203  
Municipal Police Officers Education and Training Commission  
Waiver of Training - Section 203.12(2)(iv)**

Dear Ms. Guido:

I am writing on behalf of the Pennsylvania Sheriffs' Association to provide comments to the proposed rulemaking published in the October 15, 2005, edition of the "Pennsylvania Bulletin" relating to the waiver of training offered by the Municipal Police Officers' Education and Training Commission. The rulemaking proposes to amend Section 203.12(2)(iv) to allow training waivers for out-of-state police officers if they have been certified based upon an approved basic police course comparable to the one required by 53 Pa. C.S. Ch. 21, Subchapter D (relating to Municipal Police Officers' Education and Training).

The proposed rulemaking would permit individuals from other states (some of which will likely be sheriffs) to obtain a training waiver if they were certified by "an approved basic police course" comparable to the one contained in the Municipal Police Officers' Education and Training Act. Currently, Deputy Sheriffs in the Commonwealth of Pennsylvania are not permitted to obtain a training waiver under 53 Pa.C.S. Ch. 21 if they complete the training required by the Deputy Sheriffs Education and Training Act, 71 P.S. § 2107. The training provided by this Act and the regulations thereto is clearly comparable, and in many instances exceeds, the training offered by the Municipal Police Officers Education and Training Commission.

The Regulations currently provide that a newly hired Deputy Sheriff is required to successfully complete the basic training of seven hundred sixty (760) hours. 37 Pa. Code § 421.3. This basic training

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currently consists of the following minimum curriculum. This is not an all-inclusive list, but it contains the minimum topics that the regulations require at Section 421.11:

1. Civil Law and Procedure
2. Communications
3. Control and Defensive Tactics
4. Courtroom Security
5. Crimes Code and Criminal Procedure
6. Criminal Investigation
7. Criminal Justice System
8. Crisis Intervention
9. Cultural Diversity and Ethnic Intimidation
10. Emergency Management
11. Emergency Vehicle Operation
12. Ethics and Professional Development
13. Families in Crisis and Domestic Violence
14. First Aid and Cardiopulmonary Resuscitation
15. Motor Vehicle Code and Enforcement
16. Patrol Procedures and Operations
17. Physical Conditioning
18. Physical and Judicial Security
19. Prison Transportation
20. Related Social Sciences
21. Related Legal Issues
22. Special Needs Groups
23. Unified Court System

The Deputy Sheriffs' Education and Training Act also requires Deputy Sheriffs to obtain continuing education pursuant to 37 Pa. Code § 421.104. The regulations currently provide that Deputy Sheriffs must obtain continuing education of at least twenty (20) hours every two (2) years.

The Municipal Police Officers' Education and Training Act, 53 Pa. C.S.A. § 2161, et seq., contains the requirements for the Basic Police Training Course. 37 Pa. Code § 203.51. The content of the instruction covers at least the following areas pursuant to this regulation:

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1. Pennsylvania Criminal Law
2. Pennsylvania Rules of Criminal Procedure
3. Pennsylvania Vehicle Code
4. Antisocial Behavior
5. Professional Relations
6. Physical Conditioning
7. Human Relations Skills
8. Application of Force
9. Firearms Training
10. Patrol Procedures and Operations
11. Investigations
12. Communications
13. Handling Violent and Dangerous People
14. Custody
15. First Aid and CPR
16. Operation of Patrol Vehicle
17. Other Subjects the Commission deems necessary

Required under this regulation is the completion of academic, in-service requirements of at least twelve (12) hours of annual training as determined by the Commission. 37 Pa. Code § 203.52.

It is clear upon examination of these regulations that the training program received by Deputy Sheriffs in Pennsylvania meets or exceeds that received by Municipal Police Officers pursuant to 53 Pa. C.S. Chapter 21. If the Municipal Police Officers' Education and Training Commission is going to permit individuals from other states to obtain a waiver of training upon completion of a comparable course, it would only follow that Deputy Sheriffs within the Commonwealth of Pennsylvania should be permitted to obtain a waiver of training upon completion of the training required by the Deputy Sheriffs' Education and Training Act.

Further, the exclusion of Pennsylvania's Deputy Sheriffs from the ability to receive a training waiver poses a potential violation of the Deputy Sheriffs' Equal Protection and Due Process rights contained in the Pennsylvania and United States Constitution.

In the event that the Commission amends this regulation to permit individuals receiving comparable training in other states to receive the training waiver, the same modification should be made for Deputy Sheriffs within the Commonwealth. Pennsylvania's Deputy Sheriffs clearly complete a comparable course

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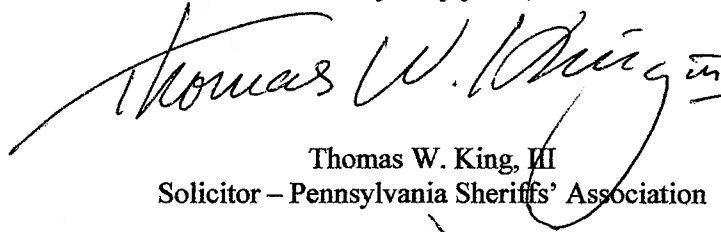
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of training and, accordingly, should be permitted to receive the same training waiver as individuals from other states.

Please contact me if you wish to discuss these comments further.

Thank you for your consideration.

Very truly yours,



Thomas W. King, III  
Solicitor – Pennsylvania Sheriffs' Association

TWK/mal

cc: Pennsylvania Sheriffs' Association Executive Committee  
Mr. James B. Hazen, Executive Director  
Attorney General Tom Corbett  
Michael J. Kane, Esquire  
The Honorable Chester A. Hawkins, Sheriff of Clearfield County  
The Honorable Dennis M. O'Brien  
The Honorable John C. Rafferty, Jr.  
Pennsylvania Deputy Sheriffs' Association