

## Erie County Sheriff Robert Merski Offers Testimony In Support of Bill



Erie County Sheriff Robert Merski testified before the House Judiciary Committee in Harrisburg on February 21st on the need to give statutory authority to sheriffs' offices to perform law enforcement duties.

Legislation that would better protect Pennsylvania communities by allowing Pennsylvania's deputy sheriffs to participate in law enforcement and emergency activities in their counties was the focus of a public hearing today by the House Judiciary Committee, said Rep. John Evans (R-Erie/Crawford).

"Deputy sheriffs have been vital in a number of law enforcement investigations and have been instrumental in serving on local drug task forces over the years," said Evans, who is the only member from

Northwestern Pennsylvania on the House Judiciary Committee and a co-sponsor of the legislation. "A 2006 court decision took away their ability to perform these law enforcement duties, and now, our communities are left without a very valuable resource."

Testifying in favor of the legislation at Thursday's hearing was Erie County Sheriff Robert Merski, who is also the incoming president of the Pennsylvania Sheriffs Association.

"Sheriffs and sheriffs' deputies need statutory authority to perform their law enforcement duties. Clearly, this is a time to grant that authority," Merski said, noting that such activities as drug law enforcement and protection in local schools in Erie County have been hampered by the court's decision.

The February 2006 decision by the Pennsylvania Supreme Court in *Kopko et al. vs. Miller* determined that sheriffs were not "investigative or law enforcement officers" under state law.

"Under this ruling, they would have no authority greater than that of the common man," Merski said. "Many sheriffs' offices, especially in rural areas, are faced with uncertainty over what law enforcement activities can and can't be performed."

The court issued its ruling while considering whether deputy sheriffs could receive training for wiretap investigations. However, the ruling created confusion over whether sheriffs are allowed to perform other law enforcement functions.

Following the court ruling, the Pennsylvania Attorney General was forced to suspend the nearly 75 deputy sheriffs who served on the Attorney General Drug Task Force operations across the state.

Merski pointed out that in a recent statewide survey, 65 percent of Pennsylvania residents believe sheriffs and their deputies should be allowed to investigate crimes and make arrests, and 64 percent support sheriffs and deputies having the same law enforcement powers as police. In addition, 73 percent were not aware sheriffs and deputies did not have these powers.

Specifically, House Bill 466 would reaffirm the sheriffs' authority to perform law enforcement duties, based on the needs of the community. Sheriffs would be restricted in which duties they could perform by their counties who control sheriffs' budgets.

Those who testified in favor of the bill agreed that this legislation would clear up the confusion and

allow fully-trained deputies to serve the public as needed in their counties. Typically, sheriffs and deputies handle court-related functions, such as serving warrants and transporting prisoners.

"This bill does not impose any mandates on counties or sheriffs' offices, but rather allows county commissioners and executives, along with their sheriffs, to perform the duties that are needed in their respective counties," Evans said. "The ability to add more manpower and law enforcement officers in our communities should be addressed, and this legislation will allow that to happen."

During the hearing, Evans commended Merski's leadership on the issue, as well as the scores of uniformed deputies who attended the hearing.

Also testifying at the hearing were representatives of the Attorney General's Office, state police, domestic violence agencies, chiefs of police, deputy sheriffs and county commissioner associations, as well as several district attorneys.

More than 2,300 deputy sheriffs serve Pennsylvania's 67 counties.

To learn more about this issue, visit [Support PA Sheriffs](#).