

CHAPTER 421. DEPUTY SHERIFFS' EDUCATION AND TRAINING BOARD

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Authority

The provisions of this Chapter 421 issued under section 3 of the act of November 22, 1978 (P. L. 1166, No. 274) (71 P. S. § 1190.23); and section 4 of the Deputy Sheriffs' Education and Training Act (71 P. S. § 2104), unless otherwise noted.

Source

The provisions of this Chapter 421 adopted April 18, 1986, effective April 19, 1986, 16 Pa.B 1422, unless otherwise noted.

GENERAL PROVISIONS

§ 421.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Deputy Sheriffs' Education and Training Act (71 P. S. §§ 2101—2109).

Basic training—A course of training administered by the Deputy Sheriffs' Education and Training Board under section 5 of the act (71 P. S. § 2105).

Board—The Deputy Sheriffs' Education and Training Board.

Continuing education—A course of training administered by the Board under section 6 of the act (71 P. S. § 2106).

Deputy sheriff—A person, whether full-time or part-time, who is titled, sworn-in or authorized to act as a deputy sheriff or who performs the duties of a deputy sheriff.

Source

The provisions of this § 421.1 amended January 17, 2003, effective January 18, 2003, 33 Pa.B. 353. Immediately preceding text appears at serial page (267350).

§ 421.2. Responsibilities of sheriffs.

(a) The sheriff of each county shall submit and maintain with the Board current information on deputy sheriffs on a form to be supplied by the Board.

(b) Whenever a deputy sheriff is newly employed, discharged or leaves employment, the sheriff shall record the information on the form and forward the form to the Board within 10 days.

§ 421.3. Training required.

(a) A newly-hired deputy sheriff is required to undergo basic training of not more than 760 hours.

(b) A deputy sheriff holding Board certification is required to undergo continuing education of at least 20 hours every 2 years.

(c) To successfully complete basic training or continuing education, a deputy sheriff shall attain at least a minimum score established by the Board on each written test and shall demonstrate proficiency in all practical skills. Prior to the commencement of instruction for which a test will be administered, the Board will notify the deputy sheriff of the minimum score required.

Source

The provisions of this § 421.3 amended January 17, 2003, effective January 18, 2003, 33 Pa.B. 353. Immediately preceding text appears at serial page (267350).

§ 421.4. Waiver of training.

(a) The Board upon request and for cause shown may extend the time up to 1 year for a newly-hired deputy sheriff to fulfill the basic training requirements of the act. Examples of good cause are:

- (1) A medical problem.
- (2) A family crisis or obligation.
- (3) A conflict with other employment.

(b) The Board upon request may grant a deputy sheriff a reduction in the hours of basic training generally required. The determination will be based upon the Board's evaluation of the prior education,

training or experience of the deputy sheriff under the following criteria:

(1) The Board will grant a full waiver of basic training upon application by a deputy sheriff who has served a full, 4-year term as sheriff within this Commonwealth.

(2) A deputy sheriff in one or more of the following categories may apply for a partial waiver of basic training:

(i) Trained by the State Police and previously employed as a member of the State Police.

(ii) Certified as a municipal police officer in this Commonwealth.

(iii) Graduated from a course of basic training approved by the Municipal Police Officers' Education and Training Commission.

(3) The Board will grant a partial waiver of basic training to a deputy sheriff in one or more of the categories in paragraph (2) who holds current certifications in basic first aid or its equivalent, adult/child/infant cardio-pulmonary resuscitation (CPR) and police firearms range qualification.

(4) A deputy sheriff who has been granted a partial waiver of basic training shall be required to attend a waiver course of not more than 100 hours administered by the Board, attain at least a minimum score established by the Board on each written test and demonstrate proficiency in all practical skills. Prior to the commencement of instruction for which a test will be administered, the Board will notify the deputy sheriff of the minimum score required.

Source

The provisions of this § 421.4 amended January 17, 2003, effective January 18, 2003, 33 Pa.B. 353. Immediately preceding text appears at serial pages (267350) to (267351).

Notes of Decisions

Sufficiency of the Evidence

The Board' s decision that the Allegheny County Police Academy' s training was not specifically focused upon or adapted to deputy sheriff' s skills and knowledge was not supported by substantial evidence, where the Board did not give due consideration to whether Allegheny County' s existing program adhered to all the training standards set forth in the act (not just promoting the most economic and efficient program for training) and by the Board, so as to warrant training credit. *Coon v. Deputy Sheriff' s Education and Training Board*, 533 A.2d 804 (Pa. Cmwlth. 1987).

§ 421.5. Code of conduct.

(a) The Board or school may establish reasonable rules governing attendance and conduct expected of a deputy sheriff who is attending training required under the act. The Board will provide each deputy sheriff with a copy of any rules of attendance and conduct no later than 14 days prior to the start of instruction.

(b) Violations of attendance policy or departures from the expected standards of conduct may result in the Board' s imposition of disciplinary sanctions, which may include expulsion from the training or denying or withdrawing certification.

Source

The provisions of this § 421.5 adopted January 17, 2003, effective January 18, 2003, 33 Pa.B. 353.

CURRICULUM

§ 421.11. Basic training.

The Board will determine the curriculum for basic training, which will include at least the following topics:

- (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 and law enforcement.
- (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) Firearms.
- (15) First aid and cardio-pulmonary resuscitation.
- (16) Motor vehicle code and enforcement.
- (17) Patrol procedures and operations.
- (18) Physical conditioning.
- (19) Physical and judicial security.
- (20) Prisoner transportation.
- (21) Related social sciences.
- (22) Related legal issues.
- (23) Special needs groups.
- (24) Unified court system.

Source

The provisions of this § 421.11 amended January 17, 2003, effective January 18, 2003, 33 Pa.B. 353. Immediately preceding text appears at serial page (267351).

§ 421.12. Continuing education.

Continuing education will consist of topics to be determined every 2 years by the Board. The Board will make available to the public

the list of course topics no later than 14 days prior to the commencement of course instruction.

Source

The provisions of this § 421.12 adopted January 17, 2003, effective January 18, 2003, 33 Pa.B. 353.

APPEALS

§ 421.21. Reconsideration of adverse determination and request for hearing.

(a) In the following cases the individual affected or the sheriff involved may file a written request for reconsideration of the adverse determination and request for hearing under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies):

(1) The Board disapproves an application or reapplication for enrollment in the training course.

(2) The Board disapproves a waiver.

(3) The Board disapproves a request or application for reimbursement.

(4) The Board revokes a previously issued certification.

(b) The request shall be received by the Board not later than 20 days after receipt of the adverse notice by the sheriff or the individual involved.

(c) Subsections (a) and (b) supplement 1 Pa. Code § 31.5 (relating to communications and filing generally) and 1 Pa. Code § 35.5 (relating to form and content of informal complaints).

(d) When the hearing adjudication by the Board results in an adverse determination, the individual involved may file a written request for review before the Commission.

(e) The written request for review shall be received by the Commission no later than 20 days after receipt of the adverse adjudication by the individual involved.

(f) The Executive Director will determine whether review will be granted, and notice thereof shall be sent to all parties to the proceedings.

(g) The standard of review of the hearing adjudication by the Commission shall be whether the Board abused its discretion.

(h) Subsections (a)—(d) supplement 1 Pa. Code § 35.9 (relating to formal complaints generally).

§ 421.22. Hearing procedure.

Hearings will be conducted under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to practice and procedure of Commonwealth agencies and judicial review of Commonwealth agency action) and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

REIMBURSEMENT OF EXPENSES

§ 421.31. Reimbursement to counties.

(a) A county shall initially pay the deputy sheriff's ordinary and necessary living and travel expenses in connection with training, except for those items that the Board provides directly to a deputy sheriff.

(b) Upon application by a county, the Commission will provide reimbursement as set forth in section 9 of the act (71 P. S. § 2109) for items paid by the county.

(c) The Commission will provide reimbursement only in connection with a deputy sheriff's attendance at a school authorized by the Board to provide basic training or continuing education.

(d) The county may apply to the Commission for reimbursement, on a form to be supplied by the Commission, at the conclusion of the required training for each deputy sheriff who has attended basic training or continuing education.

(e) Reimbursement will be limited to the following:

(1) *Tuition.* Tuition will be provided by the Board.

(2) *Living expenses.* Allowable subsistence and lodging shall be provided for a deputy sheriff who is not commuting to and from school. A deputy sheriff who is commuting will be allowed reimbursement only for lunch.

(3) *Travel expenses.* A commuter is entitled to claim mileage costs for each day the commuter is required to attend the approved training course. The mileage allowance, whether commuter or noncommuter, will only be allowed to the training school from the deputy sheriff's place of employment.

(4) *Determination of expenses.* The determination of ordinary and necessary living and travel expenses will be governed by 4 Pa. Code Chapter 40 (relating to travel and subsistence).

(f) If the Commission determines that the application and request for reimbursement do not meet the requirements of the act and this chapter, the Commission's Executive Director or a designee will send written notification within 10 business days to the county by regular mail and, if feasible, electronic mail. The notification will set forth the reasons upon which the adverse determination is based.

Source

The provisions of this § 421.31 amended January 17, 2003, effective January 18, 2003, 33 Pa.B. 353. Immediately preceding text appears at serial pages (267352) to (267353).

§ 421.32. Restrictions on reimbursement.

(a) If a deputy sheriff has successfully completed the certified basic training course and if reimbursement for the deputy is claimed by or paid to a county, the deputy may not again be claimed for reimbursement for repetition of the basic training course regardless of reemployment by another county.

(b) If a deputy sheriff does not successfully complete the certified basic training course and if reimbursement for the deputy is claimed by or paid to a county, the county is not eligible for further reimbursement on behalf of the deputy in the event that the deputy subsequently attends another basic training course.

(c) A county will be reimbursed once, for each deputy sheriff attending a certified continuing education course within a 2-year period.

Source

The provisions of this § § 421.32 amended January 17, 2003, effective January 18, 2003, 33 Pa.B. 353. Immediately preceding text appears at serial page (267353).

§ § 421.101—421.104. [Reserved].

Source

The provisions of these § § 421.101—421.104 adopted July 7, 2000, effective July 8, 2000, 30 Pa.B. 3472; reserved January 17, 2003, effective January 18, 2003, 33 Pa.B. 353. Immediately preceding text appears at serial pages (267353) to (267355).