

## **Sheriff and Deputy Sheriff Education and Training Board Policy**

(as approved by the Deputy Sheriffs' Education and Training Board, November 17, 2020)

(as approved by the PA Commission on Crime and Delinquency, December 9, 2020)

### **I. Definitions**

- A. "Act": Act 1984-2 with amendments.
- B. "Basic training": A course of training administered by the Board under section 5 of the Act (71 P.S. § 2105).
- C. "Board": Sheriff and Deputy Sheriff Education and Training Board as defined by the Act.
- D. "Board staff": Commission staff specifically assigned to support the Board.
- E. "Certification": A sheriff or deputy sheriff certified by the Board as having met the requirements of the Act and all Board regulations and policies. Certification includes the successful completion of the basic training course of instruction or approval to attend and successful completion of the waiver training course of instruction.
- F. "Commission": Pennsylvania Commission on Crime and Delinquency (PCCD).
- G. "Continuing education": A course of training administered by the Board under section 6 of the Act (71 P.S. § 2106).
- H. "Course/Class": The total curriculum as defined by the Board required for certification or recertification.
- I. "For-Record test": An academic, skill, or fitness test for score or pass/fail which will be considered as an official test or retest for certification/recertification and training records.
- J. "Home rule sheriff": For the purpose of this policy, any sheriff from a home rule county who is appointed and employed by the county, but not elected.
- K. "Light duty": Limited duty by competent medical authority because of temporary injury or medical condition. The term includes administrative duties not involving traditional duties of a sheriff or deputy sheriff and where the individual is not armed or uniformed so as to be identified as a deputy or sheriff.
- L. "Module": Single subject resulting in a grade.
- M. "Recertification": The successful completion of the continuing education training administered by the Board.

- N. “Time extension”: An extension granted by the Board or Board staff, upon the request of an employing sheriff, for additional time, beyond that allowed by the Act, for his/herself or deputy to complete training required for certification or recertification.
- O. “Training waiver”: A waiver granted by the Board, upon the request of an employing sheriff, for certification or recertification, in a manner different than established by the Act, for his/herself or deputy.

## **II. Training Attendance**

- A. Attendance at all modules and successful completion of all tests and skill examinations is required for certification and recertification.
- B. Students attending the basic certification program will be required to pass an entrance physical fitness test (pretest) as established by the Board. This test will be given prior to starting the basic certification program. Students who fail to meet the pretest standards will have their enrollment cancelled for the associated class and will be returned to their employing sheriff’s office. The county will not be eligible for any reimbursements.
- C. Act 1984-2 requires sheriffs and deputy sheriffs to recertify every two years by completing 20 hours of continuing education. This will be accomplished by completing 10 hours of online continuing education each calendar year. Students completing certification or recertification during a calendar year will be certified for the rest of that calendar year and through December 31<sup>st</sup> of the next.
  - (1) Students failing to complete recertification training during the designated training period will be automatically dis-enrolled (if enrolled) from the online training platform at the end of the training period.
  - (2) Re-enrollment may be requested by the sheriff for a limited period. Should the student fail to complete training during the make-up period, they will be dis-enrolled and once their certification has expired will no longer be eligible for employment as a deputy sheriff.
  - (3) The sheriff may rehire the deputy but employment rules for rehiring a deputy who has failed to recertify will apply.
- D. Authorized absences or missed course/class work will be evaluated on a case-by-case basis. In limited cases, missed course/class work or tests/examinations may be made up after hours and with additional course/class work. This is at the discretion of Board staff after consultation with the contractor and instructors. Should a student miss an excessive amount of course/class time, as determined by Board staff, or if the student feels he/she is unable to make up the training, the employing sheriff will be contacted. The sheriff will have several choices:
  - (1) Remove the student and address employment.

- (2) Remove the student and return him/her at the next available class date to complete remaining course/class work.
- (3) Continue student in the current course/class to complete remaining training. The student will return for missed or incomplete training at the next available course/class.

Should an elected, appointed, or home rule sheriff miss an excessive amount of course/class time, as determined by Board staff, or if the sheriff feels he/she is unable to make up the training, the sheriff shall be eligible for the options listed in sections C. (2) and (3) above. Any elected sheriff failing to receive and maintain certification shall be ineligible to be on the ballot for the office of sheriff at the next election. A home rule sheriff appointed to office shall obtain certification within 18 months of appointment

- E. Injuries or medical conditions discovered during training will necessitate that the participant obtain a medical clearance within one week of injury or discovered condition. Failure to obtain this clearance will be grounds for immediate return of student to his/her employing office. Board staff, after reviewing the new medical clearance, and after consultation with the contractor/instructors will determine if course/class work can be made up during the current course/class. If not, or if the deputy or sheriff feels he/she is unable to make up the training, the options as listed above for authorized absences under section C. shall apply.

Should a student be unable to take the Physical Fitness test or retest because of documented injury or illness, they will be offered one opportunity to return for a retest with documented medical clearance. Preparing for that retest is the responsibility of the student. Fitness tests or retests not completed within one year as noted in II, F below will require complete re-attendance of the training course/class.

- F. Under no circumstances will the student be allowed to continue with physical activities unless specifically cleared by competent medical authority.
- G. Course/class work, exams, skill, and fitness tests, not completed within a year of absence, failure, injury, or medical condition, will require complete re-attendance of the incomplete training course/class.
- H. In many cases, missed course/class work will require attendance greater than the actual training missed. Board staff will consult with the contractor to determine the time-period required to make up that training. Sheriffs will have that information available to make the determination as to the status and options available for themselves or their deputies.

### III Training Failures

- A. Students must meet the evaluation and testing standards as outlined in Board regulations and policy. When a student fails to meet those standards, he/she will have the opportunity to review mistakes and retest. Students may retest only once for each test or evaluation. Failure of a retest will require the sheriff to decide to:
- (1) Remove the student from training and address employment.
  - (2) Remove the student from training and return him/her at the next available class/course to successfully complete remaining course work including entire failed training module.
  - (3) Continue student in the current course/class to complete subsequent training. The student will return at the next available course/class for entire failed training module.

Should an elected, appointed, or home rule sheriff fail a retest, he/she shall be eligible for the options listed in sections A. (2) and (3). Any elected or appointed sheriff failing to receive and maintain required certification shall be ineligible to be on the ballot for the office of sheriff at the next election. A home rule sheriff appointed to office shall obtain certification within 18 months of appointment.

- B. The requirement to return for the entire failed module does not include Physical Fitness training and testing. Should a student fail to meet the For-Record Physical Fitness standards, he/she will be given one (1) For-Record retest prior to the completion of the course/class. Missed tests, regardless of reason, are deemed incomplete and will not be rescheduled. This final retest, during approximately Week 15, is the last opportunity to meet these standards while in the academy.

A sheriff's office may request one additional fitness test after the course end date under the following conditions:

- (1) The student is medically cleared for the fitness test.
- (2) The sheriff's office certifies in writing that they fully tested the student to Board fitness standards and the student passed.
- (3) The test is within one year of the course end date where the student failed their fitness test.

The Training Supervisor, Sheriff and Deputy Sheriff Training Program is authorized to approve these requests and report them at the next Board meeting.

- C. Any of the following will necessitate an immediate return of the sheriff or deputy to his or her employing office:
- (1) Failure of any two modules followed by failures of both retests for those modules.
  - (2) Failure followed by a retest failure for any module that was repeated from a previous course/class because of test failures.

- (3) Failure of the Physical Fitness Module including failure of the final, Week 15, retest.

Should an elected, appointed, or home rule sheriff want to return for training, or want the deputy sheriff to return for training to continue the deputy's employment under any of these circumstances, the sheriff would need to request and the Board approve the re-attendance. The student would have to return and successfully complete the entire training program for certification or recertification and would include limits on reimbursements and room and board.

#### **IV. Violations of the Training Code of Conduct**

- A. Violations of the Training Code of Conduct may be severe enough to justify dismissal from a training course/class. Dismissals will be at the discretion of Board staff with the approval of the PCCD Executive Director or designee. Dismissal for violations of the Training Code of Conduct will be reported to the Board at its next scheduled meeting. Appeals for reconsideration of the dismissal and a return to training will be submitted as outlined in Board regulations. If an appeal is approved, the Board will determine what portion of training must be completed/repeated.
- B. Board staff will conduct an investigation of any violation of the Training Code of Conduct or other issues that may lead to dismissal from training. This investigation will be provided to the PCCD Executive Director or designee and reported to the Board.

#### **V. Training Re-imbusement**

- A. As specified by Act 1984-2 and Board regulations, the Board will provide training, and room and board free to students. 100% of sheriffs' and deputies' basic salary and travel will also be reimbursed pursuant to section F. below and Board regulations. However, the Board interprets that to mean reimbursement for the minimum costs required to meet training requirements. Some payments and reimbursements will be limited for sheriffs and deputies who are unable to complete training in the allotted time and must return to make up or repeat that training.
- B. The Board will normally provide the training delivery at no cost to counties or sheriffs and deputies under most circumstances.
- C. Reimbursement for training is only provided once for certification and once every training cycle for recertification.
- D. All reimbursements will be limited to the minimum amount required to complete the registered course. Only one reimbursement will be issued regardless of any required returns to make-up missed training.

- E. Deputies who return to their departments under the conditions of III. C. may return to training at the request of the sheriff and approval of the Board. A sheriff may return to training with the approval of the Board. Room and board will not be provided. Reimbursements will be limited under the conditions of V. C. and D.
- F. Reimbursement request must be submitted by the sheriff's office to PCCD, using the Sheriff and Deputy Sheriff Information System (SDSIS), within 18 months from the date they were generated by PCCD. Reimbursement will not be made after that time period.

## **VI. Training Waivers**

- A. Training waivers may be awarded based on a sheriff's or deputy's prior law enforcement training and experience. Training waivers recognize a sheriff or deputy's skill and knowledge from Pennsylvania based law enforcement training and experience. These waivers are identified in Board regulations.
- B. The Training Supervisor of the Sheriffs and Deputy Sheriffs' Training Division, Bureau of Training Services, PCCD, may award these training waivers and report them at the next Board meeting.
- C. The Board will consider requests for out-of-state training waivers on a case-by-case basis.
- D. Training waivers will not be considered for deputy sheriffs if the period between either the qualifying training or experience and the employment date exceeds five years. Reimbursement is not authorized for multiple certifications for the same individual.

## **VII. Time Extensions**

- A. Any deputy who fails to certify or recertify in the time specified by Act 1984-2 and fails to obtain or is denied a time extension and continues employment as a deputy sheriff is in violation of Act 1984-2, as are those who employ him/her.
- B. Any elected or appointed sheriff who fails to certify or recertify in the time specified by Act 2014-114 and fails to obtain or is denied a time extension may not appear on the ballot for sheriff at the next election.
- C. A home rule sheriff must achieve certification within 18 months of appointment to office as specified by Act 2014-114.
- D. Pre-certification time extensions: Time extensions for deputies prior to initial certification by the Board. The intent of these extensions is to allow a deputy to remain on the county employment rolls while not physically present for duty or training. These are restricted to:

- (1) Military Deployment. With written orders, these extensions will be for the duration of the deployment plus the time remaining until the next scheduled certification course/class, up to six months, upon return to duty as a sheriff or deputy sheriff.
- (2) Medical Leave. With written notice of medical leave (not available for duty) or “light duty” (administrative role) these extensions will be for the duration of the medical leave plus the time remaining until the next scheduled certification class, up to six months, upon return to full duty as a sheriff or deputy sheriff. A chronic condition where medical prognosis does not indicate possible recovery/rehabilitation allowing attendance at a certification course/class is not extendable.
- (3) Full Family Medical Leave. Deputies certified by the County Human Resources Officer as meeting the requirements for Family Medical Leave, that does not allow them to be present for duty, will be extended for the duration of the leave plus time remaining until the next scheduled course/class, for up to six months, upon return to duty as a sheriff or deputy sheriff.
- (4) Full Time MPOETC Attendance. Where the deputy is attending a full time Pennsylvania Municipal Police Officer’s Education and Training Commission (MPOETC) certification training and is not available for duty as a deputy.
- (5) Administrative Duties Only. With the approval of the Board, deputies, upon completion of their year employment without obtaining certification may be continued on the county employment rolls as a deputy sheriff only if they are in an ununiformed, unarmed administrative capacity until such time as they achieve certification as a deputy sheriff. These may be granted for up to six months and then must be re-requested/renewed.
- (6) The Training Supervisor, Sheriffs and Deputy Sheriffs’ Training Division, PCCD, is authorized to grant extensions identified in VII. D. (1) – (4) above. Extensions for administrative duties, VII. D. (5), are granted by the Board.

E. Recertification time extensions. Time extensions for sheriffs and deputies already certified by the Board to extend time to comply with recertification requirements can be approved under certain circumstances. Time extensions that require a change to a training site will be at no additional cost to the Board without prior approval.

- (1) Military Deployment. With written orders, these extensions will be for the duration of the deployment plus the time remaining until the next scheduled recertification course/class, up to six months, upon return to duty as a sheriff or deputy sheriff.
- (2) Medical Leave. With written notice of medical leave or “light duty” these extensions will be for the duration of the medical leave plus the time remaining until the next scheduled certification course/class up to six months upon return to full duty as a sheriff or deputy sheriff.

- (3) Family Medical Leave. Sheriffs and deputies certified by the County Human Resources Officer as meeting the requirements for Family Medical Leave will be extended for the duration of the leave plus time remaining until the next scheduled course/class, up to six months, upon return to duty as a sheriff or deputy sheriff.
  - (4) The Training Supervisor, Sheriffs and Deputy Sheriffs' Training Division, PCCD is authorized to grant extensions identified in VII. E. (1) – (3) above.
- F. All Time extensions approved by the Training Supervisor, Sheriffs and Deputy Sheriffs' Training Division, PCCD will be reported in writing at the next scheduled Board meeting.
- G. Time extensions will be requested by the sheriff through the electronic SDSIS. Requests made less than 5 working days from a scheduled SDSETB meeting will not be considered until the next scheduled meeting.

**VIII. Re-employment of Board-Certified Sheriffs and Deputy Sheriffs**

- A. Deputy sheriffs who are re-employed must return within five years of leaving employment as a Pennsylvania deputy sheriff for their certification to remain valid. Sheriffs who leave office and wish to return as a deputy sheriff are subject to the same conditions below.
- (1) Deputy sheriffs upon re-employment whose certification is still current will be re-activated.
  - (2) Deputy sheriffs, upon re-employment, whose certification/recertification has expired and is within five years of previous employment as a deputy sheriff must complete an online comprehensive legal updates course. Upon re-employment, a deputy sheriff will receive a temporary certification, but that certification will expire after 90 calendar days and will not be reactivated until completion of the comprehensive legal updates course.
  - (3) Continuing education, or recertification, will be required during the next calendar year after re-employment.
- B. Deputy sheriffs who are re-employed and are beyond the five-year limit must return for basic or waiver training, whichever is applicable. Reimbursement is limited under the conditions of V. C. and D.
- C. Pursuant to 71 P.S. 2106.1 (c), former sheriffs and deputy sheriffs previously certified by the Board, whose certification expired, and who are elected, appointed, or employed as a home rule sheriff are in compliance with 71 P.S. 2106.1 (a) and need only comply with the requirements for continuing education within 2 years from the start of their elected term and every two years thereafter.



## **IX. Revocation of Certification.**

- A. When notified by the employing sheriff, county, or other means, the Board shall revoke the certification of any deputy sheriff for:
- (1) Convictions, misconduct, and inability to perform duties pursuant to 71 P.S. 2107.1 (a) (1) – (4).
    - i. Upon verification of conviction of qualifying offense (through court docket and any information obtained from the employing sheriff), Board staff will suspend the deputy's certification pending Board action.
  - (2) Other misconduct that would interfere with the individual's ability to perform as a deputy sheriff, which includes but is not limited to:
    - i. Inability to possess a firearm pursuant to state or federal laws.
    - ii. Perjury.
    - iii. False swearing.
    - iv. False official statement.
- B. When notified by the County Commissioners, the Board shall revoke the certification of an elected sheriff when he/she is removed from office as provided for by Article VI of the Constitution of Pennsylvania.
- C. When notified by the County Executive, the Board shall revoke the certification of a home rule sheriff when he/she is terminated for misconduct.
- D. Prior to considering revocation, the Board will notify the last/current employing sheriff's office and the individual (at an address provided by or forwarded through the sheriff's office) of the revocation process and their right to address the Board. At least 90 calendar days will be provided from notification until consideration of revocation at a Board meeting. The individual may appear in person, provide documents for consideration, or both. A request to address the Board, notice of intent to appear, and any documents must be provided no later than 30 calendar days prior to the scheduled Board meeting date.

## **X. Application for Reinstatement of Revoked Certification**

- A. After one year from the date of revocation, the individual may apply for consideration for reinstatement of certification. Applicants who were convicted of a disqualifying criminal offense or who are otherwise prohibited from possession of a firearm by state or federal law shall not be eligible for consideration for reinstatement of certification unless and until they receive necessary and appropriate relief required to possess a firearm again.
- B. All requests for consideration for reinstatement of certification shall be notarized and accompanied by the following as applicable:

- (1) A written conditional offer of employment from a Pennsylvania sheriff within 90 calendar days prior to the submission of the request.
- (2) A Pennsylvania criminal history record check completed within 60 calendar days prior to submission of the request.
- (3) A Federal Bureau of Investigation criminal history record check completed within 60 calendar days prior to submission of the request.
- (4) If the violation, which caused the revocation, was the result of conduct that called or may call into question the individual's character and integrity as a witness for the Commonwealth, a letter from the District Attorney from the county where the individual will be primarily employed is required within 90 calendar days prior to the submission of the request. This letter would indicate the District Attorney's willingness to allow the individual to be called to testify as a witness in summary and court cases.
- (5) Affidavits testifying to the applicant's character and fitness for employment as a sheriff or deputy sheriff as well as a personal statement from the applicant addressing the reason(s) for revocation and reason(s) for which the applicant should be reinstated are encouraged.

C. Requests for reinstatement of certification and all supporting documents shall be sent to the Sheriff and Deputy Sheriff Training Program, PA Commission on Crime and Delinquency, PO Box 1167, Harrisburg, PA, 17108. Requests will be considered by the Board at its next meeting as long as there are 30 calendar days between the request and the next meeting date. If the request is received less than 30 calendar days before the Board's next meeting, the request will be considered at the following quarterly Board meeting. The Board will evaluate the applicant's suitability for reinstatement using the following criteria:

- (1) Total years of service as a sheriff and/or deputy sheriff.
- (2) Severity of the violation which caused the revocation and negative impact on the public trust, sheriff's office, and county.
- (3) Notarized character statements.
- (4) Previous disciplinary actions taken by any employing sheriff's office.
- (5) Previous revocations by the Board.
- (6) Applicant's acceptance or denial of responsibility for the violation which caused the revocation.
- (7) Any criminal convictions accelerated rehabilitative dispositions, or arrests on, prior to, or after the date of revocation.
- (8) Community or volunteer service during the period of revocation.
- (9) Endorsements by supervisors and/or command level personnel within the sheriff's office.
- (10) Letters of endorsement from the judges, county administrators, and/or county commissioners affiliated with the applicant's former, present, or newly employing sheriff's office.
- (11) Official statements made during the course of the inquiry into the violation which caused the revocation.
- (12) Statements made in letters or other correspondence sent to the Board during the time of revocation.

- D. The Board will consider any and all relevant factors and will take action on the individual's application for consideration of reinstatement of certification. Approvals shall require an affirmative majority vote of a quorum.
  
- E. It is the policy of the Board not to entertain repetitive applications for reinstatement. Upon the Board's rejection of an application for consideration for reinstatement of certification, the applicant shall not be permitted to apply for reinstatement for a period of not less than two years from the date of the Board's decision. An individual may not request consideration for reinstatement of certification if the period since revocation has exceeded five years.