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March 17, 2008

TESTIMONY TO THE
HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
AND
HOUSE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

For Hearing on Tuesday, March 18, 2008
9:00 A.M., Conference Room 309

BY

MARIE C. LADERTA, DIRECTOR

**Senate Bill No. 2334, SD 2
Relating to Public Safety**

TO CHAIRPERSONS ALEX M. SONSON AND CINDY EVANS AND MEMBERS OF
THE COMMITTEES:

S.B. No. 2334, S.D. 2 repeals the exemptions from civil service for the first and second deputy sheriff and requires that future Deputy Directors for Law Enforcement and future Sheriffs be graduates of a law enforcement academy.

The Department of Human Resources Development (DHRD) **opposes** the bill because it would limit the ability of the Governor and the Director of Public Safety to appoint candidates of their choice to the positions.

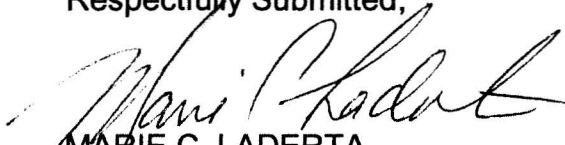
The Sheriff Division is headed by Deputy Director for Law Enforcement, the Sheriff, and a First Deputy Sheriff. There is no Second Deputy Sheriff at this time. Representatives of the DHRD Employee Classification and Compensation Division are scheduled to meet with representatives of the Department of Public Safety (PSD) in

April to discuss the possibility of establishing higher levels within the civil service Deputy Sheriff series. The current staffing and operations within the division may justify the establishment of higher levels, but we do not have sufficient information to determine whether changing the existing statutory exemptions for the First and Second Deputy Sheriff positions to civil service will have any effect on the matter. We believe more information is needed prior to any legislative action on this matter..

Typically, there are no hard and fast minimum qualification requirements for exempt positions other than those imposed by law or function. As an example, the Attorney General, First Deputy Attorney, and Deputy Attorney Generals must be licensed to practice law. The imposition of a requirement that the Deputy Director for Law Enforcement and Sheriff must be graduates of a law enforcement academy would be unusual because past experience has shown that individuals without such training have been able to function satisfactorily in those positions.

Thank you for the opportunity to testify on this important measure.

Respectfully Submitted,



MARIE C. LADERTA

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GOVERNOR



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No. _____

TESTIMONY ON SENATE BILL 2334 SD2
RELATING TO PUBLIC SAFETY
Deputy Directors; Sheriff; Appointment Qualifications
by
Clayton A. Frank, Director
Department of Public Safety

House Committee on Labor and Public Employment
Representative Alex M. Sonson, Chair

House committee on Public Safety and Military Affairs
Representative Cindy Evans, Chair

Tuesday, March 18, 2008, 9:00 a.m.
Conference Room 309
State Capitol

Representative Sonson, Representative Evans, and Members of the Committees:

The Department of Public Safety opposes Senate Bill 2334 SD2, despite the changes made in SD2, which would allow any deputy director for law enforcement or sheriff that assumed the position prior to the effective date to remain even if they did not graduate from a law enforcement academy. This bill limits the ability of the Governor and the Director of Public Safety to appoint candidates that would be the most appropriate for the positions in question. It is critical for the successful operation of any department that the leaders and administrators work together as a unit. Therefore it is critical that the Governor and the Director of Public Safety have the opportunity and the capacity to select those administrators that will work well within the current system. For this reason, the Department of Public Safety opposes Senate Bill 2334 SD2.

Thank you for this opportunity to testify.

TESTIMONY ON SENATE BILL 2334, SD2
RELATING TO PUBLIC SAFETY

House Committee on Public Safety and Military Affairs
Representative Cindy Evans, Chair

House Committee on Labor and Public Employment
Representative Alex Sonson, Chair

Tuesday, March 18, 2008; 9:00 AM
State Capitol, Conference Room 309

Representative Evans, Representative Sonson and Members of the Joint Committee:

I would like to take this opportunity to request for your strong support of SB 2334, SD1, which would repeal exemptions from civil service of the First and Second Deputy Sheriff.

Historically, these exemptions were established when the Office of the Sheriff was under the Judiciary branch of government. The Chief Justice made the appointments to these positions. When the Office of the Sheriff was moved into the newly created Department of Public Safety pursuant to Act 211, SLH 1989, the exemption to civil service of these positions were transferred along with newly established Sheriff Division under the Department of Public Safety. While those appointed positions might have been appropriate for the Office of the Sheriff under the Judiciary in the 1980's, it would have a negative impact on the current Sheriff Division organization. In the 1980's, the Office of the Sheriff had authorized positions of approximately 70 deputy sheriffs and related non-uniformed positions. Currently, the Sheriff Division has approximately 360 authorized deputy sheriffs and related non-uniformed positions. Having an appointed First or Second Deputy would have a negative impact on continuity of Sheriff Division operations. As being appointed positions, the persons appointed would inevitably be from outside of the Sheriff Division. This would bring into the Sheriff Division's upper management, persons without the institutional knowledge for effective administrative and operational management of the Division.

Another issue is that maintaining an appointed First and Second Deputy Sheriff may hinder the Sheriff Division's efforts into establishing Deputy Sheriff V (Captain) and

Deputy Sheriff VI (Major) within the Sheriff Division. The Division is currently working with the Department of Human Resources Development (DHRD) on the process for expanding the Deputy Sheriff Class series to include Captains and Majors. It is my concern that the current exemptions from civil service of the first and second deputy sheriff may be applied by DHRD to the proposed Captain and Major classes.

As reflected in the Sheriff Division's organization chart, there are an insufficient number of upper management positions above the operational segments of the Division.

Span of control is a crucial principle in the efficient management of any law enforcement organization. The repeal of the exemptions from civil service of the First and Second Deputy Sheriff as well as the successful establishment of Captains and Majors within the Deputy Sheriff Class series will address the span of control issues.

I also support the provision that the Deputy Director for law enforcement and the Sheriff shall be graduates of a law enforcement academy. A solid foundation in law enforcement principles is essential in the effective management of any law enforcement organization. It is my understanding, through testimony provided by the Department of Public Safety at previous hearings, that the Governor's office is in opposition of having limitations placed on who may be appointed to Deputy Director of law enforcement and the Sheriff. If this is still the position of the Department of Public Safety, then perhaps you may want to consider removing the provision that the Deputy Director of law enforcement and the Sheriff be law enforcement academy graduates from this bill in order to facilitate the repeal of the exemptions from civil service of the First and Second Deputy Sheriff.

Thank you for this opportunity to testify on this important matter.

Robin Nagamine