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Testimony of Terry L. Hawk, Commissioner of Warren County Before the House Labor Committee Informational Hearing On House Bill 2585, Thursday, September 9, 2010

Good Morning, I am Commissioner Terry Hawk from Warren County, Pennsylvania. On behalf of myself and the citizens of Warren County, I want to thank Chairman Belfanti and the members of this Committee for the opportunity to speak to you today about this extremely important issue.

Prior to the Court decisions, Sheriffs and their Deputies were confident that they were well within the parameters of law while executing their duties. Today that confidence has been destroyed. Although the Court ruling was clear and the remedy attainable, the ruling and the interim period has been a festering boil affecting the safety of the citizens that we serve. This has left a clear division in the law enforcement community, one that only law breakers can appreciate. It has demoralized and paralyzed some of the best trained and dedicated law enforcement officers in our State. Imagine how you might feel if you spent years practicing your profession only to hear that what you learned and perfected was and is contrary to the rules of law. I can't dispute the decision by the Court, for if you believe in law, you must also respect the fact that laws will be challenged. When the judicial system is unable to affirm such laws, the responsibility belongs to you as Legislators. While I am convinced that passage of this or a similar bill will eventually occur, delay will only provide further erosion of one of the best systems of law enforcement in our Commonwealth.

Even before the Court ruling, some Sheriff departments chose a limited investigative involvement. However, Warren County Sheriff Larry Kopko took a more proactive approach to his duties. His professional dedication to his duties has inspired the Deputies who serve with him, thus inviting the admiration and respect he has truly earned. In addition to Judicial activities and service of bench warrants, they perform all inmate and fugitive transfers. I am awed by their ability to address their duties as effectively as they do, considering the demands of the court schedule. They are also very active on the DUI Enforcement team and the Drug Task Force, both extremely effective services for the safety of county residents. The Warren County Commissioners have contracted with the U.S. Army Corp of Engineers and the U.S. Forest Service for patrol duties on the Kinzua Reservoir and the Allegheny National Forest, an additional responsibility for these officers. These efforts, along with active involvement with our local Criminal Justice Advisory board, Courthouse Security committee, and others show the dedication and commitment of the Warren County Sheriff's officers to the citizens of this County.

While I am very proud of the Sheriff and Deputies of Warren County, I acknowledge that the same pride probably exists in every County in this Commonwealth. That is why it is especially important to enact this legislation now as delay will only demoralize these officers. There are likely many stories of encounters that these officers could relate, but one in particular might show what they have been enduring since the decision of the Court. Not long ago, one of our Deputies cited a motorist for speeding. The driver demandingly questioned the legality of the stop and stated that the duties of the officer were limited to Courtroom activities and serving papers. He was also kind enough to tell the officer that he was a leech on the taxpayers. This attitude is the result of the ruling. But while it may show the disdain for law enforcement by certain elements of society, it is not the norm. Most of the citizens welcome a good law enforcement presence, but they want it local where their elected officials are mindful of the limited tax dollars. Before becoming a County Commissioner, I served fourteen years as a Township Supervisor. I am well aware of the budgetary constraints at both the county and municipal levels. Municipal police officer positions are not in jeopardy if the Sheriff power's are restored, but rather by the budget decisions of their own elected officials.

I know I am not in agreement with CCAP with my support of this bill. However, County Commissioners establish both the budget and the number of employees. We also set the wage rates, either through Salary Board action or union negotiations. It is important for Commissioners to reach workable and meaningful understandings while mindful of the budget thresholds with the other elected officials of the County. Those that might have a tendency to ignore those thresholds are subject to the wrath of voters at election time.

While the bureaucracy of State Police administrators may oppose this legislation, local rank and file troopers support it. The ruling has increased the workload for that under-funded and over-worked agency. Investigations previously handled by the Sheriff Officers have added to their responsibility. It is understandable as manpower and overtime is limited, that requests for trooper involvement may be met with reluctance and delay. If we consider the effect on the taxpayer's ability to fund additional troopers, we must remember that the starting salary for a trooper fresh from the Academy is \$53,829. Contrast this with a Warren County Deputy salary with 25 years at \$39,382. One legislator has introduced HB 1500 to force municipalities to pay for State Police coverage. In the third year after enacting of that Bill, the additional cost to the residents of Warren County would be nearly 4.3 million dollars per year.

The court ruling has created more questions than answers. Sheriff Officer's lack certainty about investigations when attempting to serve bench warrants which is one of their primary responsibilities. Even the process of finding criminals by inquiring and investigating as to their location may cross the line of legality. Most importantly, it is not a question of when but how serious a Deputy will be hurt when he encounters a lawbreaker resisting arrest, believing that the powers of the Deputy are restricted to the Courtroom.

It is long past time to correct the problems created by the Court decision and to show our support for these dedicated men and women of law enforcement. Please pass this law as written without delay. For those that are still considering your support, remember two points:

1. Many opponents may not hold public safety as a priority.
2. Criminals don't vote.