

Good morning,

My name is Walter Hoke but most folks call me Nick. I am the sheriff of Crawford County.

First let me thank you Chairman Belfanti and members of the Labor committee for the opportunity to address you on the crucial issue before you, the restoration of the authority of the Office of Sheriff. You are all aware of the position of our opposition so I will not belabor that issue.

Crawford County is a sixth class county with 1038 square miles. We have a population of around 90,000 . We have 35 townships, 14 boroughs and two cities. There are only two full time 24 hour service police departments and six small part time police departments. Meadville is the County seat in the center of the county. Meadville has one of the two full time police departments. The six part time police departments are west of Meadville with the other full time PD at the far eastern side of the county.

I have a small staff consisting of myself, my chief deputy and five full time deputies and one part time. Including myself there are five who are Act 120 trained and three who are Act 2 trained.

In January of 1979 I raised my right hand and swore to uphold the constitution of the United State, the constitution of this great Commonwealth and protect and serve the citizens of the City of Meadville. For over 27 years I did just that. I was a sworn police officer, Act 120 trained since 1977 when I worked for another small municipal police agency. Over my career I completed many continuing educations classes related to the investigation and enforcement of the laws I swore to uphold. On January 31 2006 I retired and continued my law enforcement work as a Law Enforcement Liaison for BUCKLE-UP-PA. As a Law Enforcement Liaison for Buckle Up Pennsylvania. I worked closely with law enforcement agencies in 15 counties allocating grant funding to enhance the education and enforcement of seat belt laws as well as an aggressive driving program,. Many of the law enforcement agencies I worked with were sheriff offices.

In 2007 I ran for the office of sheriff and was successfully elected to my first term. I took office on January 2008. I again raised my right hand along with my sworn staff and vowed to uphold the constitution of the United States, the constitution of this great Commonwealth and to protect and serve the citizens of Crawford County. Little did I know coming into the Office that there had been a number of court rulings from various Pennsylvania courts the, Dobbins ruling being the last, that drastically diminished the investigative and arrest powers of the Office of Sheriff. I was flabbergasted when I was told that I and my deputies were limited to arrests for only traffic violations, breaches of the peace and felonies and only when they were committed in our presence. This poses a dangerous problem for the deputies and the citizens that I will address in more detail shortly. The other issue of investigation is one that causes confusion in that we, sheriff's and deputies, have been given investigative authority statutorily for some issues i.e. PFA, License to Carry Concealed Firearms and Purchase and Sale of Precious Metals but are restricted in cases that our training would certainly prepare us to perform.

I would like you to know that as a small office I have no intention to be an investigative patrolling law enforcement agency. That being said I will do whatever necessary to fulfill my duty to the citizens of my county if in fact they requested our assistance but this could be done only after approval from the

commissioners and the salary board. At this time I would like to give you two examples of the burden and potential danger that comes from a sworn law enforcement officer being unsure of what authority they have and when they can take certain action.

The first example happened soon after taking office in January 2008. On January 17, 2008 I received a call from a corrections officer from our county jail. He told me that he had information from a reliable informant, that contraband, in the form of a controlled substance, had been hidden in a public restroom in the courthouse. At that time we had inmates in court for hearings and the public restroom on the second floor of the courthouse is where we would take inmates while in court. As I state before I have been a law enforcement officer for over 29 years with all the knowledge and experience to investigate this incident and file charges. I was instructed by the district attorney that I would have to call the Meadville City Police and have them continue the investigation and file the charges if necessary. Myself and my staff all have the training and experience to allow us to carry out this investigation. Due to these restrictions we had to burden the Meadville City Police who have more than enough calls for service of their own, to handle an incident right here in our courthouse.

The second incident I would relate to you was a situation where two of my deputies were out on the road, as we are every day in our county serving papers, warrants, PFA's etc. On this occasion two deputies were serving a PFA in the housing development in a small township. This project is built on tiers with several levels. From the level above where the deputies were they heard screams for help. At that time in the level above them an assault was in progress where a man was physically assaulting his girlfriend. A witness to this assault saw the deputies in the parking lot of the level below. What they saw was two Uniformed Law Enforcement Officers and as most citizens would think, they thought that as law enforcement officers they were able to address this situation and place the suspect under arrest. One of my deputies immediately responded to the level above only to see the victim and witnesses pointing to man who was walking back into the apartment complex. What action do they take? It was an obvious breach of the peace but they did not witness the assault take place. The victim showed visible signs of assault i.e. bloodied mouth, and swollen eye. Now is where this becomes potentially dangerous. Do they have the authority to detain? If they hesitate, the possibility that the offender is going to return from inside the complex with a weapon or at the very least, escape apprehension is something they have to consider in a split second, without hesitation. My deputy, working from his training and experience, detained the suspect, patted him down for safety reasons and placed him in the rear of the sheriff vehicle. The township they were in has a part-time police department but they were not on duty at the time. The Pennsylvania State Police had to be called. PSP arrived over one half hour later. Did the deputies take the appropriate action or did they act outside their authority. It should not be left up to what and if but should be without question.

This situation takes place every day in the Commonwealth. Sheriff's and their deputies willingly place themselves in harm's way in the course of their duties but should they be placed in that harm unjustly? I believe that without the restoration of their authority that is just what is happening.

My family has a history of public service. Starting with my father who served this country in the United States Coast Guard during World War II and was involved in 10 invasions in the south pacific and upon

his return became an electrician by trade and a volunteer firefighter, two brothers who were career fire fighters a sister that is a ER nurse and myself all gladly serving our communities. We all followed what my father instilled in us early in each of our careers. "DO THE RIGHT THING" regardless of the outcome. I and my deputies want to do just that for the citizens we took an oath to serve and protect. We cannot do "The Right Thing" unless you "Do The Right Thing" and vote this bill out of committee and then the House and the Senate and the Governor have to " Do The Right Thing ", make this bill law and allow the Sheriff's and Deputies back in the fight. An ever increasing fight against crime, A fight that none of wants to lose.

Thank You for your attention of this critical matter.