

Center for Rural Pennsylvania
Public Hearing on the Heroin Crisis Facing Pennsylvania

Clarion University
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Good morning Chairman Yaw, Vice Chairman Wozniak and members of the Center for Rural Pennsylvania. On behalf the Pennsylvania Sheriffs' Association, thank you for inviting me here today to provide our perspective as to the Heroin Crisis Facing Pennsylvania.

My name is Robert Fyock and I serve as the Sheriff of Indiana County as well as the President of the Pennsylvania Sheriffs' Association. I have more than 42 years in law enforcement including: 3 years in the U.S. Army, Military Police – with 8 weeks of training at Ft. Gordon in Georgia in all forms of police work and investigation; I'm a Viet Nam veteran; I have 39 years with Indiana County as a Correctional Officer – trained through the Dept of Corrections headquartered at SCI Camp Hill including updates; a Deputy Sheriff with update training and continuing education; the Jail Warden in Indiana County; Chief County Detective – where I was Act 120 trained for 3 months. This requires that my deputies and I have continuing education and update training to maintain our certification annually and I'm serving my 11th

year as Sheriff where I continue to get updates and training through the PA Sheriffs' Association. In addition, Indiana County has had narcotics dogs for 6 years and we have continuing training and recertification every 2 years.

I believe that throughout the day you will hear that heroin and prescription drug use and abuse is not just rural or urban issue. This is an issue that crosses all geographic and socioeconomic borders within our Commonwealth.

The Office of Sheriff was brought to the colony, which would become the Commonwealth of Pennsylvania by Dutch and English colonists before the time of William Penn. The Office was constitutionally mandated by all five of Pennsylvania's Constitutions, in 1776, 1790, 1838, 1873, and 1967. Throughout the years, the Sheriff in Pennsylvania has acquired many and varied responsibilities and obligations. The Sheriff acts in the capacity of peace officer, where his duty is to keep the peace and quell riots and disorders. He has jurisdiction to make arrests anywhere in the county, to make searches of premises, and to seize items or property owned or used in violation of the law. He is called upon to remove certain nuisances, and he issues licenses to sell or to carry firearms.

The Sheriff is empowered to appoint deputies, and the deputies have the same powers as the Sheriff when performing their duties. A review of statutory law provides little guidance in addressing the issue of the duties, power, and authority of a sheriff. Case law provides that, although a sheriff's primary responsibilities are to the courts, the sheriff retains all arrest powers he/she had at common investigation of crime. More importantly, since the sheriff retains all arrest powers he/she had at common law, he/she has the authority to enforce the criminal laws as well as the vehicle laws of Pennsylvania. Today, the Sheriff, like all law enforcement officers, is faced with unprecedented challenges. However, if history is a guide,

there is little question that the Office of Sheriff will adapt, grow, and change to meet the needs of modern law enforcement. The Office of Sheriff is an integral part of the American law enforcement system.

There was a time when the office of Sheriff was not typically held by an individual who had dedicated their life to law enforcement, but that is no longer true. All but a handful of Pennsylvania's Sheriffs are former chiefs of police, former police officers or former members of the ranks of the State Police. Likewise, many Sheriffs only hire as deputies individuals who are already Act 120 trained – meaning that they possess the same training as local and regional police officers. This training and experience in law enforcement makes sheriffs and their deputies ideal partners with their law enforcement brethren in the fight against drug trafficking and usage throughout the Commonwealth.

Prior to the Kopko v. Miller decision in February, 2006, the Sheriffs and their deputies were actively involved in Drug Task Forces through the Office of Attorney General. As many as 2,000 plus Sheriffs' Deputies were available to help combat the drug trafficking and usage violations occurring throughout the counties. However, following Kopko where the Pennsylvania Supreme Court determined that the sheriff was not an investigative or law enforcement officer under the terms of the Wiretapping Act, participation of the sheriffs in the Drug Task Forces declined sharply and became dependent upon county District Attorneys appointing Sheriffs as county detectives. The significance of this change cannot be understated – no longer are those 2,000 plus additional trained law enforcement officers available to work with other law enforcement agencies to investigate and pursue drug criminals.

In preparing for this hearing, we surveyed our Sheriffs offices in order to determine what they were seeing in their counties with respect to heroin and drug usage. The following are some of the responses we received in order by county:

BERKS – The Sheriff and his deputies are not currently involved in the county drug task force, but prior to the Kopko decision, they were involved in both the state and county drug task forces. Heroin usage is a problem within the county and the District Attorney is actively engaged in the growing problem. The Berks County Sheriff's office has been approached for the DARE program by the Kutztown Area School District.

CAMERON – The Sheriff and one deputy are involved in the county drug task force and were involved prior to Kopko. The county encounters some issues with heroin, but issues with bath salts are more prevalent.

CHESTER – The Sheriff and her deputies are not currently involved in a county drug task force and were not involved prior to Kopko. Based upon contacts with local law enforcement in the course of routine Sheriff's office business, there is a sense that heroin is a problem being encountered by law enforcement. Through their K-9 unit, they have gotten drug "indications" at locations in western and southern Chester County of user-size packets of heroin, but no large quantity seizures.

CLARION – The Sheriff and six deputies are involved in the county drug task force, but were not involved prior to Kopko. Heroin is prevalent within the county and appears to be problem for young people.

CUMBERLAND – The Sheriff and his deputies are not currently involved in a county drug task force, but were involved in both a state and county drug task force prior to Kopko. Heroin has been a big issue within the county and the DA is actively working on it.

DAUPHIN – The Sheriff and his deputies are not currently involved in a county drug task force and were not involved prior to Kopko. Heroin is very prevalent within the county.

DELAWARE – The Sheriff and her deputies are not currently involved in a county drug task force and were not involved prior to Kopko. The District Attorney has established a Heroin Task Force to attempt to deal with the problem. From January 1 through June 25, 2014, there have been 24 heroin deaths and seven more possible, pending toxicological testing results. There have also been seven deaths as a result of combined heroin/Phentanyl overdose and eight from Phentanyl overdose.

ELK – The Sheriff and his deputies are not currently involved in a county drug task force, but were involved in the county drug task force prior to Kopko. Heroin is very prevalent and is being used in conjunction with Phentanyl patches and to cut bath salts.

ERIE – The Sheriff and his deputies are not currently involved in a county drug task force, but were involved in both a state and county drug task force prior to Kopko. Erie County has seen several heroin related deaths and the county jail has refused individuals who are apprehended on warrants because of the systemic problems associated with it. They also consistently find needles during warrant service.

GREENE – The Sheriff and one deputy are involved in the county drug task force as detectives through the District Attorney's office, but not in their capacity as Sheriff and Deputy. Both were involved prior to Kopko in the county drug task force run by the Office of Attorney General. As a former police officer in Greene County, the Sheriff dealt with heroin or heroin related issues on a daily basis. As Sheriff, those same problems persist. The county is overrun with heroin and the problems that go with it, but does not have the resources or law enforcement to keep it in check. The Kopko decision put the county even more behind with

their drug problem by taking away the valuable resource of Sheriff's Deputies and equipment. As a Sixth Class County there are very limited resources that are available to combat the drug problems. If the deputies had the ability to participate in the Drug Task Force it would almost double the task force numbers and would help the county with their drug problems that are too numerous to count.

INDIANA – The Sheriff and eight deputies are involved in the county drug task force and were involved in the county drug task force prior to Kopko. Heroin is very prevalent and has taken over as the most popular drug the deputies come into contact with on a regular basis. Deputies are consistently finding heroin on fugitives while taking them into custody on bench warrants. During these incidents, the deputies follow up by filing criminal charges on the individuals based on the deputy's on-view observations. Deputies also have come into contact with heroin during vehicle stops. When heroin or paraphernalia is in plain view the deputy handles it personally. If the specific incident requires further investigation or a possible search warrant being applied for, the Chief County Detective is called and takes over the investigation. The office does work with multiple agencies such as local municipal departments, state police, the Attorney General's office, ATF and the US Marshals Office with information sharing and drug enforcement activities. All deputies are designated as Special County Detectives, however, in addition to the Sheriff, just seven deputies and Narcotics K-9 Bak work along with the County Drug Task Force.

JUNIATA – The Sheriff and his deputies are not currently involved in a county drug task force, but were involved in both a state and county drug task force prior to Kopko. Heroin usage is very prevalent problem within the county.

LANCASTER – The Sheriff and his deputies are not currently involved in a county drug task force and were not involved prior to Kopko. Heroin has been a problem in Lancaster County for years as per the statistics from the Gate House, a drug and alcohol treatment facility in Lititz, PA. In the last eight to ten years, there has been a shift away from alcohol and cocaine. Heroin addictions now comprise 85% of the residents. Lancaster is a “meeting” place for dealers from New York, Baltimore, Philadelphia and Harrisburg. It is estimated that 15 people die each year in Lancaster County from heroin overdoses. Heroin is the second most stated reason for admission into rehab with alcohol still being number one.

LAWRENCE – The Sheriff and three deputies are involved in the county drug task force and were involved in the county drug task force prior to Kopko. Heroin and meth are problems in Lawrence County.

LEHIGH – The Sheriff and his deputies are not currently involved in a county drug task force and were not involved prior to Kopko. Heroin usage is prevalent problem within the county.

MIFFLIN – The Sheriff and his deputies are not currently involved in a county drug task force, but were involved in the county drug task force prior to Kopko. The heroin issue in Mifflin County has been noticeable since the mid 1990’s. There was a slight decrease in new users during the mid-2000’s but there has been an increase in new users in the last several years. MSNBC did a documentary on Mifflin County at the onset of the heroin epidemic in 2001 and they may be coming back as a follow up to the original documentary. There are out-of-state drug dealers coming to the county and setting up shop to sell heroin. They come from New York City, Baltimore and Ohio and bring violence with them. They are either gang rivals and the violence is against each other or they become violent with their customers.

MONROE – The Sheriff and six deputies are involved in the county drug task force and they were involved in the county drug task force prior to Kopko. There has been a rise in the use and illegal distribution of heroin for years now. Monroe County is the “nucleus” point for individuals to traffic illegal drugs from Florida, Georgia, Maryland, Ohio, California, Colorado, Chicago, New York & New Jersey. Through investigations and arrests, it has been learned that Monroe County, PA is known as the meeting point for trafficking and distribution. There continues to be many arrests on and off of Interstate 80, 380 and State Roadways 611, 940, 115, 402, 209 and 33. Pike County has also been known to be a traffickers meeting points via Interstate 84 and at the point of the Tri-State borders. The Monroe County Drug Task Force continues to work with all local, regional, state and county law enforcement agencies in a combined effort to neutralize constant trafficking and also works with the New Jersey State Police and Bridge Commission who patrol the Delaware Water Gap Bridge that separates the borders of New Jersey and Pennsylvania on Interstate 80.

MONTOUR – The Sheriff and four deputies are involved in the county drug task force and they were involved in the county drug task force prior to Kopko. The Sheriff is the Montour County Field Supervisor for the Northumberland/Montour Drug Task Force. The Task Force consists of approximately 30 other police and law enforcement agencies which are very active throughout our area. All full time deputies for Montour County Sheriff’s Office are currently Drug Task Force members. Over the past 10 years there has been a substantial increase in the use and sale of heroin in Montour County and surrounding counties. It probably is the current drug of choice in the county and is readily available for purchase. While the task force has either arrested or assisted state and/or federal law enforcement in the arrest of street to mid-level dealers in the area over the last decade there always is someone new coming into

the area to fill the void. This proliferation of drugs into the area has been predominately from the Hazelton, Reading, Allentown, Philadelphia and Williamsport areas although there are occasions where it has been coming from New York (Bronx) and New Jersey. Heroin addiction has made a huge fiscal impact upon the Courts and other county and state funded agencies. It has also had a huge impact upon the residents of the county who are now victims of the ever increasing property crimes, the devastation of having sons, daughters and grandchildren addicted to drugs and not being productive members of society. The courts started a Drug Treatment Court approximately three year ago but because of the highly addictive nature of this drug it has had limited success with opioid addicts.

NORTHUMBERLAND – The Sheriff and his deputies are not currently involved in a county drug task force, but were involved in the county drug task force prior to Kopko. Heroin is prevalent throughout the county.

PERRY – The Sheriff and six deputies are involved in the county drug task force and they were involved in the county drug task force prior to Kopko. Heroin usage is out of control within the county.

PIKE – The Sheriff and all of his deputies are involved in the county drug task force and were involved in both the state and county drug task force prior to Kopko. There has been a 400% increase in female inmates and bringing the female jail population to 50 mostly heroin related incarcerations. There are also gang related heroin sales in Pike County with the heroin coming in from Patterson, New Jersey. The local and State Police do not have the resources such as adequate vans for transport and rely heavily on the Sheriff's office for manpower and equipment. There are greater security issues involving processing, transport and court

hearings because of the nature of the gang related drug cases. They work with the District Attorney's Drug Task Force on raids, transport and hearings.

POTTER – The Sheriff and his deputies are not currently involved in a county drug task force and were not involved prior to Kopko. Heroin is the drug of choice after the period of time of illegal use of prescription drugs. Drug overdoses and deaths of young people in the county are related to these drugs. A local drug task force has been created by the District Attorney. Many of the probation violations involve the use of heroin and prescription drugs.

SOMERSET – The Sheriff and two deputies are involved in the county drug task force and they were involved in the county drug task force prior to Kopko. The Turnpike runs through the county and there have been big heroin arrests there. The use of heroin within the county is running wild and with the county losing police departments and the jail being old and small, there just are no resources to deal with the growing problem.

UNION – The Sheriff and his deputies are not currently involved in a county drug task force, but were involved in the state and county drug task force prior to Kopko. Heroin usage is a prevalent problem within the county and the Sheriff and his deputies could be a big help in the county if they were again working with the Attorney General's office.

VENANGO – The Sheriff and his deputies are not currently involved in a county drug task force and were not involved prior to Kopko. As a result of the growing numbers of overdoses and deaths in the county, the county substance abuse interests created of a joint heroin task force and the Chief Deputy participates in it. Several of the deputies were on the Attorney General's drug task force when they were employed by police agencies and the Chief Deputy was the task force coordinator for approximately 10 years while a member of the Franklin

Police. The drug task force is funded by and supervised by and through the PA OAG/BNI. The new District Attorney is looking into the option of starting a County Drug task force. The Sheriff would like his deputies to participate in the drug task force to help in the fight against the drug problems that certainly include heroin. The counties source cities are: Pittsburgh, Detroit, and Philadelphia.

WAYNE – The Sheriff and seven deputies are involved in the county drug task force and they were involved in the county drug task force prior to Kopko. The use of heroin is prevalent and the task force continues to make arrests and conduct investigations throughout the county.

WESTMORELAND – The Sheriff and his deputies are involved in the county drug task force and they were involved in the county drug task force prior to Kopko. There is a heroin epidemic in the county and a Drug Overdose Task Force headed by the Human Services Department has been created to reduce drug usage.

WYOMING – The Sheriff and his deputies are not currently involved in a county drug task force and were not involved prior to Kopko. As a result of their presence in the courtroom during sentencing, it appears that the number of guilty pleas and sentences associated with heroin usage is bigger now than in the past.

From throughout the Commonwealth, the survey was simply a snapshot of what's going on in the various counties with respect to drug usage. It allowed the PA Sheriffs' Association to confirm what we already suspected – heroin usage is on the rise throughout the Commonwealth and is stressing law enforcement resources. As the Pennsylvania Supreme Court pointed out in Kopko, the legislature provided explicitly that police officers include sheriffs only with respect to a county of the second class. If the legislature were to extend that

provision to sheriffs of the other classes of counties, the sheriffs and their deputies would be immediately available to help combat the war on drugs being waged throughout the Commonwealth.