



OFFICE OF  
**BARBARA FRAMPTON**  
CLARION COUNTY COMMISSIONER  
COURTHOUSE  
CLARION, PENNSYLVANIA 16214

KAREN A. REED  
EXECUTIVE SECRETARY

(814) 226-4000  
EXT. 2006

July 20, 1992

Vern E. Smith  
Sheriff of Clarion County  
Clarion County Courthouse  
Clarion, PA 16214

Dear Vern,

This letter is to confirm my support for you and the other Pennsylvania county sheriffs in the ongoing battle to fully restore your sheriff's powers of arrest.

You and your department provide a much-needed service to the residents of our small county. At a time when crime rates are on the rise, the last thing we need is less law enforcement power!

Please accept my best wishes for a successful and productive 1992 Pennsylvania Sheriff's Association annual convention. You have my support.

Sincerely,

*Barbara Frampton*

Barbara Frampton

kar/copy



# Snafu Shows Need For Reform

## The Old Gaffer



TOM T. ANDREWS JR.

ating way back to the so-called "Wild West" in American history, the position of sheriff has been associated with law enforcement and "keepin' the

the process, the sheriffs of many towns and counties became almost legendary. The demand for such police service was great and, in ever so many instances, the sheriff became somewhat of a national hero. His position was best described as "pin' the bad guys under con-

range as it may seem scores of years later, the need for law enforcement by modern sheriffs is even greater than in the wild west of the old west. In fact, today's criminals are much more sophisticated than their predecessors. Sheriffs and their crews of deputies (assistants) should be working effectively with other law enforcement agencies at all

times. With this background in mind, it is not surprising that in recent days so many questions are being asked right here in Clarion County about the policing duties, obligations and responsibilities of Sheriff Vern Smith and his designated deputies. Is the elective office of sheriff subject to the mandated laws of the Commonwealth?

It was even more disturbing to me that the Clarion County Sheriff's Department might be expected to refrain from providing services for such events as the Autumn Leaf Festival, football and basketball games, community festivals, and the Clarion County Fair. I was shocked as these events began surfacing, especially the annual Fair.

Providing security, crowd control and regulation of traffic is rather minor when compared to enforcing criminal law, but actually there is a common sense solution since "keeping the peace" in all areas is involved. I can't write about all the events, but I most certainly can refer with a 42-year back-

ground of experience to the Clarion County Fair. This community event has played a major role in my adult life through the years, and I know it would be severely handicapped should the services of Sheriff Vern Smith and his crew of deputy officers be withdrawn.

For many years, Smith and his crew have provided superb service during Fair Week. Critics of using the county sheriff claim alternates are available, such as fire police, other volunteers and employing a private police agency.

Since security for Fair Week is an around-the-clock service, volunteer fire police are not available except for limited hours each day. As for using private agencies, the cost would be prohibitive.

It should be remembered that the office of county sheriff is an elective position. The public selects the sheriff, and it seems only natural to assume a qualified police officer is involved in the process. Under the new interpretations of state statutes as presented by influential lawyers, many of them serving as solicitors, the public has no right to expect professional police officers, since county sheriffs are limited in what they can and cannot do.

As seems to be taking place in so many other areas of today's complex society, the "public be damned." From the sidelines, this very interested and concerned observer is aghast that the three top executives of county government, the commissioners, endorse this type of citizen negativism. Based on the advice of their legal counsel, an elective office is being subverted.

For many years I have been an advocate of reform in our supposedly constitutional government. It is certainly true that the USA is the world's most workable government, despite apparent blemishes and contradictions. To keep apace with modern times, however, the democratic system needs to be fine-tuned to make it more responsive to the needs of today's challenging society.

The office of county sheriff serves as an excellent example of the need for fine-tuning. Quite separate and apart from the valuable security and control services provided community events such as the county fair and Autumn Leaf Festival, there is a real need for more, not less, police protection for citizens of all areas.

How many times do we hear that the state police are working with only limited personnel, and that local municipalities have only limited police resources? The Sheriff's Department could make massive strides toward correcting this problem.

If legal beagles are determining the powers of sheriff are limited to being process servers, then the General Assembly should authorize corrective action.

Governmental leaders at many levels seem to be mounting all types of actions to combat crime, especially in the fields of drug and alcohol abuse. Most of these well publicized actions serve very few practical purposes. They are largely ineffective programs. If governments are really sincere in their anti-crime programs, what is wrong with expanding already existing po-

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# The Leader-Vindicator

Published Every Wednesday at New Bethlehem, Clarion Co., Pennsylvania, 16242

by Southern Clarion County Newspapers, Inc.

435 Broad Street

New Bethlehem, PA 16242

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FAX 814-275-3531

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### SUBSCRIPTION RATES

One year in Pennsylvania, \$16.00; One Year outside Pennsylvania, \$40.00;

One year outside U.S.A. \$50.00.

# Snafu Shows Need For Reform

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lice and security forces?

Much of the background for today's legal interpretations of what a county sheriff can and cannot do refer directly to insurance coverage — its high cost and risks taken. This seems to go back to the old Gosepl hymn, "Tell Me the Old, Old Story." The costs and risks of today's insurance coverage range far and wide. In fact, insurance might be devastating many areas of today's society.

And once again the need for fine-tuning government surfaces. Legislative bodies need to review insurance policies and place limits on court action abuses.

According to the front-page story in last week's *Leader-Vindicator*, Clarion County Sheriff Vern Smith has already suspended many community services. His action was based on the advice of his solicitor, the county solicitor, and collective actions by the three county

commissioners — Linda McCarthy, David Black and Barbara Frampton.

The sheriff's announced suspension of services quite definitely is not in the public interest. I am quite concerned that the legal snafu involved in this case is one more frightening example that representative government is breaking down. The people's choice when they voted for county sheriff is all but being ignored.

Despite my retirement as a professional journalist, I am still compelled to comment on disturbing developments in modern government. I am not impressed with what I see and hear.

I am still shocked that the infamous assassination in 1963 of President John F. Kennedy is still a controversial issue since the government has silenced by intimidation any and all investigations of what actually took place on that tragic day.

My distrust of government has been even more accelerated by shocking developments about conduct of the so-called recent war in the Persian Gulf. The American people have been deceived in getting information from governmental leaders.

And now, at a much lower level, comes the Sheriff Vern Smith story.

Something is sadly missing in destroying our confidence and trust in those who represent us in the halls of government. The need for corrective action is long overdue.

# Court Ruling Hands cuffs Counties

There is growing concern throughout the state regarding a recent Pennsylvania Superior Court ruling, which arises from a case in Armstrong County and rules that sheriffs and their deputies do not have certain arrest powers... do not have statutory authority to enforce the Pennsylvania vehicle code.

This not only seems ludicrous in Clarion County, where the sheriff's department is comprised of veteran law enforcement officials, it is absurd.

The case out of Armstrong County involves an incident that occurred May 17, 1988, when Deputy Sheriff Kevin Gibbons saw a car cross a double yellow line and pass three cars. He pulled the car over and found drugs.

The state's Superior Court last month upheld a 1989 ruling by Armstrong County court that deputies don't have the same powers as police officers. While the ruling is limited to traffic arrests, the Superior Court determined the drugs found in the car were seized illegally and the defendant couldn't be prosecuted.

In saying that deputies don't have the same powers as police officers, the state's Superior Court has erred greatly as far as Clarion County is concerned.

I mean, here we have Sheriff Vern Smith — who was a Pennsylvania State Police officer for 29 years — and Chief Deputy Sheriff Daniel Hornberger — a seven-year law enforcement officer who served as a police chief in a southern Clarion

county community prior to joining the sheriff's department. And, we're told by the court that in their present capacities Smith and Hornberger don't have the same powers as police officers when it comes to traffic arrests. Please, give us a break.

Here in Clarion County, all full-time deputy sheriffs have undergone Municipal Training Act schooling, the same training as mandated for other police officers. And, in addition they have undergone the state's sheriff training program.

Brian O'Neill, a columnist for the Pittsburgh Press, wrote on Feb. 17, about this same issue pointing out that in Allegheny County it's not as if the sheriff and his deputies are a bunch of Barney Rifes. Ditto, here in Clarion County.

O'Neill, too, points out the sheriff and deputies in Allegheny County get the same police academy training as borough and township police officers.

Indeed, he says, it's common practice for borough and township officials to request deputies to pinch hit for police temporarily away from the job. Ditto, here in Clarion County.

However, that's not the crux of the immediate case which is now on appeal to the state's Supreme Court. The problem appears to be with the interpretation by the courts over the contents of the legislatively-enacted vehicle code.

That code does not define a 'peace officer,' a 'law enforcement officer,' or 'sheriff.' Since the vehicle code

refers to 'police officer' the court has decided the sheriff's department does not have statutory authority to enforce the Pennsylvania Vehicle Code. The state code (Title 75-1990) defines a 'police officer' as "a natural person authorized by law to make arrests for violations of law." Go figure.

Although the ruling is being appealed, it has seriously affected the sheriff's departments in this state, as attested to in Clarion County by Sheriff Smith who believes "there's a real need now to pursue legislative action to correct and define these terms in the vehicle code," and in the crimes code and county code. There really is a present need for

legislative leaders to clearly define the legal terms utilized in their codes. Or, at best there is a need to review those codes and make the meanings of their intent more defined so it is clear to all, including the courts, the police and the public.

Sheriff Smith has contacted legislators about the matter and in letters to those officials he notes, "In all but name, sheriffs and their deputies are police officers and should be afforded the same lawful authority" to enforce the laws.

While the appeal of the case with the state's Supreme Court could take up to two years or more, it is incumbent upon the legislative branch to

## The Lander-Vincent OR Ruling Hands cuffs Counties

(Continued from Page 2)

do something expeditiously' to correct the entire matter.

It certainly should be incumbent upon the legislators to at least define "who is a police officer" and to take a look at any mandates that should be imposed upon those comprising sheriff's departments throughout the commonwealth. As we said, they can look at the present Clarion County Sheriff's Department if they need an example to use in defining law enforcement personnel.

To do otherwise would be ridiculous in light of the economic

conditions that prevail throughout this commonwealth.

In Clarion County, where the state police are understaffed and many township and borough officials are requesting help from the sheriff's department, there has been a good relationship between the various law enforcement departments.

That apparently is not the case in some other areas of the state; but, in rural areas such as ours we need all the help we can get when it comes to law enforcement, whether it be traffic, civil or criminal activity.

Varia, 14 Inc.

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MORTI  
urg Staffer



OFFICE OF THE  
CLARION COUNTY DISTRICT ATTORNEY

347 MAIN STREET, CLARION, PA 16214

814-226-4423

WILLIAM M. KERN  
District Attorney

JOSEPH T. STRONG  
Assistant District Attorney

May 14, 1991

Patrick J. Stapleton  
State Senator, 41st. District  
710 Croyland Avenue  
Indiana, PA 15701

Dear Senator Stapleton:

I have been asked by our Sheriff Vern Smith to write concerning the arrest powers of County Sheriffs and I do so gladly. In a small county such as Clarion, we have many small towns and townships with no police department and an understaffed State Police barracks. In short, we need all the law enforcement we can get.

In my twelve years as District Attorney of Clarion County, I have had to repeatedly rely on our Sheriff's Department to provide law enforcement services. I have found the sheriff's deputies to be well trained, competent, and helpful. On a number of occasions, the Sheriff's Department has assisted me where other agencies were reluctant to act and on one occasion helped me convict a local police chief who was stealing money.

I am solidly behind any effort to enhance and clarify the police powers of the county sheriff. Please do not hesitate to contact me if you wish to discuss this matter further or if you have any questions.

Very truly yours,

William M. Kern  
District Attorney

# Editorial - Opinion

## Bravo, Sheriff

Clarion County Sheriff Vern E. Smith last week announced his department will be conducting patrols in various townships and boroughs in Clarion county which do not have local law enforcement agencies. For residents in highly-rural and isolated areas of the county, where police patrols often times are few and far between, the promise of any additional visits by a law enforcement agency should be good news, and in some cases, may even provide a better night's sleep.

Smith's program will not be a hit-and-miss operation as it is being coordinated with the Pennsylvania State Police for maximum efficiency between the two agencies. The program also will be staggered to avoid the possibility that patrols will become routine and predictable to potential criminals.

According to Smith, one area that will be addressed is illegal trash dumping in townships in the county. We hope all township and borough residents, not to mention their elected officials, offer their complete cooperation to Smith, particularly in the area of illegal dumping, a problem that should be a matter of major concern for area residents.

Anyone doubting the seriousness of the illegal dumping in this area, a problem which seemed to have no possible solution until Smith's announcement, should venture away from blacktop roads onto gravel and dirt pathways to see just how big a problem it is.

It's been well documented that Penn-

sylvania State Police officers serving Clarion County cannot be everywhere due to manpower limitations. That's unfortunate, but it's also reality.

Surely it would seem the sheriff's program will offer some support to state police officers through coordination, ensuring the two separate law enforcement efforts are being directed in different areas of the county.

We offer our commendation to Sheriff Smith for developing the program, which apparently will function at no extra cost to county taxpayers.

A county sheriff is the chief law enforcement officer in any county in the commonwealth; however, not all persons who have filled the position have pushed the office in that direction, and few to such a degree that Smith has. For his efforts to ensure the office is utilized effectively as it was originally prescribed, we congratulate Smith.

Presently, our only question in connection with the program is can it be expanded to ensure all areas of the county have even more regular patrols? Such a move might provide a greater degree of peace of mind to older county residents.

We have long considered a "county-wide" police force as a possible answer to local police woes, and wonder now if the sheriff's department is actually the proper vehicle for such an effort.

We're hopeful options for expanding the service will be explored by Smith and other county officials.

R-VINDICATOR  
416-1990

# Enough Destruction

Last week a tour of illegal dump sites in Clarion County left us with more questions than can possibly be answered with any semblance of reasoning.

We were not prepared to see what we faced along the way, scenes that in our wildest dreams we'd never envision.

Why do people do these things? Are they that uncivilized in today's world? Do they really live the hog-like lifestyle depicted by their actions?

And, where are our enforcers of the illegal dumping and littering laws?

We've noted the investigative efforts on the part of the Clarion County Sheriff's Department and the arrests that have been made in the past regarding illegal dump sites; and we've seen arrests by our state police when it comes to those who have littered our highways.

But how much can be expected from those departments, which are now severely

understaffed and overworked with other priorities?

We'd think our state and federal officeholders, who have enacted these laws, would be smart enough to know and see that to prevent crime you must have the means and personnel to do just that.

If they can't see that point of view, then we suggest a tour of the illegal dump sites in our area. Maybe then their eyes would open up to the devastation before them.

Where are our public servants who work for the Environmental Protection Agency, Department of Environmental Resources and the Department of Health?

Laws are being broken; land is being destroyed; nearby water is being polluted; and rats are running through our hillsides.

This nonsense has got to be put to a stop once and for all — and we mean FOR ALL: all of us, all of our future generations.

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CLARION COUNTY DISTRICT COURT



Townships:  
Farmington  
Highland  
Knox  
Millcreek  
Washington

MAGISTERIAL DISTRICT 18-03-02  
511 S. PAINT BLVD., SHIPPENVILLE, PA 16254  
PHONE: (814) 226-5170

Townships:  
Piney  
Paint  
Monroe  
Sligo Borough

May 20, 1991

To Whom It May Concern:

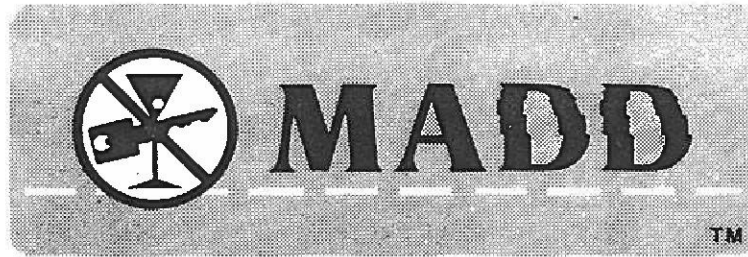
As a Clarion County District Justice, I strongly support legislation that would amend Title 42 of the Pennsylvania Consolidated Statutes, which provides the powers and duties of Sheriffs and Deputies relating to law enforcement, which would authorized enforcement powers for the Sheriffs' Departments to be equal to other law-enforcement agencies having legal jurisdiction in the Commonwealth of Pennsylvania.

Our Clarion County Sheriff's Department is a valuable asset to the over-all responsibility of local law enforcement and has proven to be invaluable to the many services and events provided to the residents of Clarion County.

Sincerely yours,

  
Norman E. Heasley  
District Justice





Mothers Against Drunk Driving

---

Olde Liberty Square • 4811 Jonestown Road, Suite 229 • Harrisburg, PA 17109 • (717) 657-3911  
PENNSYLVANIA STATE OFFICE

May 31, 1991

Sheriff Vern Smith  
Clarion County Courthouse  
Main Street  
Clarion, PA 16214

MADD in Pennsylvania supports the concept of arrest powers for properly trained and qualified sheriffs and deputy sheriffs. By that we mean that they receive the same level of DUI detection and training as currently required for municipal and state police officers.

Sincerely,

Hope Emerich

Public Policy Liaison

# KNOX BOROUGH POLICE DEPARTMENT

COMMONWEALTH OF PENNSYLVANIA

P. O. Box 386, Knox, Pa. 16232

WILLIAM H. PECK, JR.  
Chief of Police

February 19, 1991

Rep. David R. Wright  
21 N. 6th Avenue  
Clarion, PA. 16214

RE: County Sheriffs and Deputy Sheriffs - Arrest Powers

Dear Representative Wright,

The authority of elected County Sheriffs and their Deputies has been eroded by the decision recently made by the Superior Court. Joint efforts in Clarion County and other Counties across the state has been undermined by this decision.

The Superior Court ruled that Sheriffs of this Commonwealth do not have statutory authority to enforce the vehicle Code-Title 75 in the Case of Commonwealth vs Marshall Edwin Leet, No. 462 Pittsburgh 1989.

I am the Chief of Police of a one man department in Knox Borough Clarion County and the fact at the present time I am the only officer in the department. I cannot begin to say how many times the Clarion County Sheriff Department has come to my assistance. The only other assistance available to my department would be the Pennsylvania State Police who are greatly understaffed and not always available.

The decision is complicated to the reference to "Law Enforcement Officer," "Peace Officer," and "Police Officers," in various statutes and regulations pertaining to rules of criminal procedure and Act 120, the Municipal police officer training and Education Act, Title 18 (Crimes Code), Title 75 (Vehicle Code) while a layman may conclude that these terms have the same basic meaning the courts feel otherwise.

I strongly support statutory authorization for arrest and enforcement powers for County Sheriff's and strongly encourage our legislative leaders to clearly define the legal terms utilized in criminal statutes so that the legislative intent is clear to all involved.

Sincerely,

*William H. Peck*

William H. Peck  
Chief Of Police

cc: Clarion County Sheriff

# Clarion County Counseling Center

214 SOUTH 7th AVE.

CLARION, PA 16214

PHONE: 814/226-6252

CLARION COUNTY COMMISSIONERS:

DAVID BLACK

TOM ARMAGOST

KEITH MARTIN

A DEPARTMENT OF MH/MR/D&A

ADMINISTRATION

RODGER R. BUZARD

COUNTY ADMINISTRATOR

(814) 226-1080

May 3, 1991

To Whom It May Concern:

Crisis Intervention Services of Clarion County strongly supports legislation that would amend Title 42 of the Pennsylvania Consolidated Statutes, which provides the powers and duties of Sheriffs and Deputies relating to law enforcement, which would authorize enforcement powers for the Sheriffs' Departments to be equal to other law-enforcement agencies having legal jurisdiction in the Commonwealth of Pennsylvania.

Our Clarion County Sheriff's Department is a valuable asset to the over-all responsibility of local law enforcement and has proven to be invaluable in our ability to provide services to the residents of Clarion County.

The character and dependability of the officers have been above reproach and the professionalism of the Sheriff's Office has immensely helped in the carrying out of our legal responsibilities.

Sincerely yours,

*Terrance S. Bean, gb*

Terrance S. Bean  
Supervisor,

Crisis Intervention Services



RIMERSBURG POLICE DEPT.

108 S. MAIN STREET  
RIMERSBURG, PA. 16248

CHIEF

NALD GARVER  
814-473-3065

February 21, 1991

MAYOR

JOHN CORSINI  
204 N. MAIN STREET  
PH. 814-473-3487

Rep. Ronald Black  
404 South Office Bldg.  
Harrisburg, PA 17120

RE: Arrest Powers of County Sheriffs and Deputy Sheriffs

Dear Sir:

I am a municipal police officer and Chief of Police in Rimersburg Borough, Clarion County.

I would like to call your attention to a recent ruling by the Superior Court. In the case of Commonwealth VS Marshal Edwin Leet, No. 462 Pittsburgh 1989, the Superior Court ruled that Sheriffs of this Commonwealth do not have statutory authority to enforce the vehicle code, Title 75.

As Chief of Police in a one man department, I have had many occasions to rely on the Clarion County Sheriff's Dept. for assistance in all phases of my work.

The State Police are understaffed and my municipality is in no financial position to hire help for me. I find this decision incredible at this time of unemployment and plunging revenue in most municipalities in this state.

This decision was based on Judiciary Rules of Criminal Procedure, specifically Rule 3 (1) and (0), Rule 52, and Rule 101, not on legislative statutes. It is complicated by the use of different terms such as "Police Officers", "Peace Officers" and "Law Enforcement Officers" in various statutes & regulations.

I find it ludicrous that the fact that hundreds of pending criminal actions in this state hinge on interpretation of definitions as to what constitutes a "Police Officer."

I support statutory authorization for arrest and enforcement powers for County Sheriffs and I strongly urge you to support legislation to that end.

Sincerely,

Ronald Garver  
Chief of Police