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COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES  
COMMITTEE ON JUDICIARY

In re: Oversight Hearing of the Municipal Police  
Officers Training Commission

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Stenographic report of hearing held  
in Room 418, Minority Caucus Room,  
Main Capitol Building, Harrisburg, PA

Wednesday,  
February 17, 1993  
10:00 a.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Peter Daley	Hon. Kathy Manderino
Hon. Michael Gruitza	Hon. Al Masland
Hon. David Heckler	Hon. Robert Reber
Hon. Harold James	

Also Present:

David Krantz, Executive Director  
Galina Milahov, Research Analyst  
Mary Beth Marschik, Republican Research Analyst  
Hugh Mallet, Legal Intern

Reported by:  
Ann-Marie P. Sweeney, Reporter

ANN-MARIE P. SWEENEY  
3606 Horsham Drive  
Mechanicsburg, PA 17055  
717-732-5316

1                   CHAIRMAN CALTAGIRONE: We'll start and if  
2 other members come in, we'll just let them know. This  
3 is going to be the oversight hearing on the Municipal  
4 Police Education Board, and I'm Chairman Tom  
5 Caltagirone. The other members that are present and  
6 staff, if they would like to identify themselves for  
7 the record.

8                   MS. MILAHOV: Galina Milahov, Research  
9 Analyst.

10                   REPRESENTATIVE REBER: Representative  
11 Reber from Montgomery County.

12                   REPRESENTATIVE JAMES: Representative  
13 Harold James, Philadelphia.

14                   REPRESENTATIVE MASLAND: Representative  
15 Al Masland, Cumberland and York.

16                   MS. MARSCHIK: Mary Beth Marschik,  
17 Research Analyst.

18                   MR. MALLET: Hugh Mallet, legal intern.

19                   CHAIRMAN CALTAGIRONE: Any time, Major.  
20 And we also have Major Miller from the Pennsylvania  
21 State Police with Major Spang. You're the chairman.

22                   MAJOR SPANG: No, I'm the Executive  
23 Director.

24                   CHAIRMAN CALTAGIRONE: Oh, okay. I'm  
25 sorry.

1                   And we have Kathy to join us also. Kathy  
2 Manderino from Philadelphia County is also joining us.

3                   Major.

4                   MAJOR SPANG: Morning, sir. I'm Major  
5 Daniel Spang. I'm the executive director of the  
6 Municipal Police Officers Training Commission. I  
7 apologize. I can't use the microphone, it's not  
8 working, and if you can't hear me, I'll speak as loudly  
9 as I can.

10                   I've been assigned to this position for 7  
11 1/2 years. I'm a State Policeman, and this is my  
12 assignment of duty. Unfortunately, it's also a unique  
13 assignment in that every two years I have to run for  
14 re-election.

15                   CHAIRMAN CALTAGIRONE: Sounds familiar.

16                   MAJOR SPANG: I don't have the expense  
17 that you may have, sir, but the way the act is written,  
18 the commission chooses a new executive director. It's  
19 not in the law, but they have set a term of two years.  
20 And the purpose of having that in there was that if  
21 they were dissatisfied with the performance of the  
22 person in there, there was a way to change. The State  
23 Police Commissioner nominates three names from the  
24 State Police staff every two years for election, and  
25 they do have a vote. Whether it's indicative of my

1 progress or not, this is the first year I did not have  
2 a unanimous election.

3 The commission -- if you don't mind, I'd  
4 like to read this. I think that way I won't miss  
5 points.

6 The commission was established on June 18  
7 of 1974 by the enactment of Act 120 of 1974, the  
8 Municipal Police Officers Education and Training Law.  
9 In the late 1960s and early '70s, similar commissions  
10 were established in each State in response to a Federal  
11 study which recognized the need to make minimum basic  
12 training mandatory, defray the major costs of that  
13 training for municipalities, and then certify the  
14 graduates of that training as police officers.

15 The training commission is legislatively  
16 designed to be composed of a cross-section of  
17 government, law enforcement, education, and the public.  
18 The current members of the commission are: Colonel  
19 Glenn Walp, the Pennsylvania State Police Commissioner  
20 and the permanent chairman; Mr. Ronald Jackson  
21 represents the Secretary of Community Affairs; Mr.  
22 Jerome Forester, Esquire, represents the Attorney  
23 General; Senator Frank A. Salvatore is appointed by the  
24 President Pro tempore of the Senate; Representative  
25 David Mayernik is appointed by the Speaker of the

1 House.

2 The following elected officials are  
3 appointed by the Governor: Mr. Stephen J. Campetti,  
4 first-class township supervisor for Haverford Township,  
5 Delaware County; Mr. Vincent P. Roshetti, the mayor of  
6 Dickson City in Lackawanna County, representing  
7 boroughs; there's a vacancy for an elected city  
8 official; and Mr. James Osterling from Ontelaunce  
9 Township in Berks County represents second-class  
10 townships.

11 The following chiefs of police are  
12 appointed by the Governor: chief William R. Collins  
13 from Fairview Township in York County; Chief Joseph M.  
14 Fletch from Bethel Park Borough in Allegheny County;  
15 Chief Donald McConnell from South Whitehall Township in  
16 Lehigh County; Chief Rodney Steffy, Sr., from the city  
17 of Reading in Berks County. And there will be a  
18 vacancy for Chief Steffy because as you're aware, Mr.  
19 Chairman, he just recently retired. Special Agent in  
20 charge Bob C. Ryder in the Philadelphia FBI office.  
21 He's appointed by the Governor. Dr. Bart Bernie, an  
22 educator in law enforcement from Pittston, Luzerne  
23 County, appointed by the Governor. Mrs. Violet L.  
24 Stover from Millheim, Centre County representing the  
25 public at large, appointed by the Governor.

1                   The following noncommissioned officers  
2 are appointed by the Governor. These are the F.O.P.  
3 representatives. Sergeant Warren J. Brose from the  
4 Pittsburgh Police Department, and there will be a  
5 vacancy for Sergeant Brose because he's retiring this  
6 month. And Detective Robert Mitchell from the  
7 Wilkes-Barre Police Department. Chief Joseph Orbell  
8 represents the Philadelphia Police Commissioner, and  
9 Mr. Donald K. Zettlemyer of Dauphin County represents  
10 the Certified School Directors, and he's also appointed  
11 by the Governor.

12                   The goal of the commission is to provide  
13 Pennsylvania citizens with police officers who are  
14 professionally trained, ethical, physically and  
15 psychologically fit, well-educated, motivated,  
16 career-oriented, and sensitive to the public's needs.  
17 The commission attempts to meet that goal by: One,  
18 requiring all newly employed police officers to undergo  
19 physical and psychological testing and undergo a  
20 thorough background investigation. Two, refusing to  
21 issue a certification to persons who have been  
22 convicted of a crime punishable by more than one year  
23 imprisonment. Three, revoking the certification of  
24 veteran police officers convicted of a crime punishable  
25 by more than one year imprisonment. Four, requiring

1 all newly employed police officers to successfully  
2 complete 520 hours of basic training that is based on a  
3 comprehensive task analysis of the basic patrol  
4 officer's position. Five, assisting local government  
5 by reimbursing the majority of the costs for basic  
6 training to the employing municipality. This means  
7 that we pay all of the tuition, travel and lodging  
8 costs that may be necessary for the training, and 60  
9 percent of the officer's salary while he's attending  
10 the training program. Six, requiring all police  
11 officers to meet mandatory in-service training  
12 requirements. Seven, providing funding to  
13 municipalities for non-mandatory training courses that  
14 can be tailored to a specific need of that  
15 municipality.

16 The basic and in-service training is  
17 conducted at 19 schools certified by the commission.  
18 The schools are: the Allentown Police Academy in  
19 Lehigh County; the Allegheny County Police Training  
20 Academy in Allegheny County; the Reading Police Academy  
21 in Berks County; Mercyhurst College in Erie County;  
22 Lackawanna Junior College in Lackawanna County;  
23 Harrisburg Area Community College in Dauphin County;  
24 Montgomery County Community College in Montgomery  
25 County; Greater Johnstown Area Vo-Tech School in

1 Cambria County; Delaware County Community College,  
2 Delaware County; the Philadelphia Police Academy in  
3 Philadelphia County; Temple University in Philadelphia  
4 County; Indiana University of Pennsylvania in Indiana,  
5 Pennsylvania; Mansfield State University in Tioga  
6 County; Pittsburgh Police Training Academy in Allegheny  
7 County, and the Westmoreland County Community College  
8 in Westmoreland County.

9           The basic training program is 520 hours  
10 in length. As I mentioned before, it's based on a  
11 comprehensive task analysis of the basic patrol  
12 officer's function. Each student must successfully  
13 complete 24 testing areas to graduate. The average  
14 cost to train an officer is approximately \$6,500. In  
15 this fiscal year, approximately 1,000 officers  
16 completed the basic training program. In the 1993-94  
17 fiscal year, we expect approximately 1,400 officers  
18 will be eligible for reimbursement for basic training.  
19 The reason there's an increase is the Pittsburgh Police  
20 Department, for the first time in a number of years, is  
21 going to be employing new officers based on a contract  
22 award that's going to allow a number of the senior  
23 officers to retire, a significant number, over 400.

24           Prior to December 1st of 1988,  
25 Pennsylvania municipal police officers were allowed to



1 work as a police officer for one year without training,  
2 and there were no mandatory in-service training  
3 requirements. Act 180 of 1988 eliminated this  
4 condition, and as of that date, the police officer must  
5 meet all training requirements prior to enforcing the  
6 Crimes Code, moving violations of the Vehicle Code, or  
7 carrying a firearm. Act 180 also empowered the  
8 training commission to establish mandatory in-service  
9 training requirements, and in January of 1991, this  
10 program began. During that calendar year, 22,000  
11 municipal police officers underwent 12 hours of  
12 classroom training that included the following topics:  
13 authority and jurisdiction; criminal and civil  
14 liability; use of force; legal updates on the Rules of  
15 Criminal Procedure, Crimes Code, and Vehicle Code; the  
16 laws of arrest and evidence; search and seizure,  
17 emphasizing motor vehicle search; and in addition, each  
18 officer must maintain a current first aid and  
19 cardiopulmonary resuscitation certification, and  
20 qualify annually with any firearm, shotgun or rifle  
21 authorized for use by the police department. Officers  
22 who do not meet these requirements will lose their  
23 authority to enforce the Crimes Code, moving violations  
24 of the Vehicle Code, or carry a firearm because they  
25 will lose their certification.

1           The classroom training in 1992 involved  
2 legal updates, search and seizure of nonmotor vehicle  
3 areas, law enforcement in victim witness, domestic  
4 violence, and officer safety. In 1993, ethnic  
5 intimidation programs, case preparation, and our first  
6 supervisory course entitled essentials of management  
7 was instituted.

8           I had mentioned earlier that the training  
9 commission grants funds to municipalities for  
10 non-mandatory in-service programs. During the past  
11 fiscal year, there was \$220,500 devoted to that  
12 program. Some examples of programs funded: Basic  
13 supervision in the city of Philadelphia for \$1,672;  
14 arrest techniques in Pittston Borough for \$423.50; a  
15 field training officer's program in Reading for \$2,480;  
16 stress and the law enforcement officer in Emmaus  
17 Borough in Lehigh County for \$1,168; internal affairs  
18 investigation in Upper Chichester Township for \$6,161;  
19 driver training in Clarion Borough for \$5,408; drug  
20 enforcement techniques in Butler County for \$2,288; and  
21 police executive training in Lower Southampton Township  
22 for \$13,177. That's just an example of some of them.  
23 There were over 150 programs funded like that.

24           The 1991-92 budget of the commission was  
25 \$9.1 million. The expenditure for personnel services

1 was \$391,016. Operational expenses were \$371,902.  
2 Subsidies and grants to municipalities was \$8,000,085.  
3 Our anticipated 1992-93 budget request was  
4 approximately \$8.6 million to cover the actual  
5 operating costs. We anticipate that the 1993-94 budget  
6 request will be approximately \$10 million.

7 That concludes my remarks, Mr. Chairman.  
8 I would be happy to answer any questions anyone may  
9 have.

10 CHAIRMAN CALTAGIRONE: Thank you, Major.

11 There are some new members that came in.  
12 If you want to just mention your name and the county  
13 you represent for the record.

14 REPRESENTATIVE HECKLER: Representative  
15 Dave Heckler, Bucks County.

16 REPRESENTATIVE DALEY: Representative  
17 Pete Daley, Washington and Fayette Counties.

18 REPRESENTATIVE GRUITZA: Mike Gruitza  
19 from Mercer County.

20 CHAIRMAN CALTAGIRONE: Are there  
21 questions from members?

22 Yes.

23 MR. KRANTZ: Major, when you talk about  
24 executive training for a township, can you explain that  
25 a little more? Why would a township need executive

1 training? Because when I think of executive training,  
2 I think of the President or Governor or something like  
3 that.

4 MAJOR SPANG: Well, we look at police  
5 chiefs as executives. A police chief is involved with  
6 budgetary matters, et cetera. We have approximately  
7 1,200 municipal police departments in Pennsylvania.  
8 Over 600 of them are less than 5 people. However, when  
9 you get into the rest of the agencies, you go  
10 everywhere from the Philadelphia and Pittsburgh police  
11 departments to the other major cities and some of the  
12 very large township police departments. The executive  
13 training we're giving is primarily a nationally  
14 recognized program conducted by Penn State University.  
15 It's called POLEX - POLice EXecutive training. There's  
16 a supervisory course called POSIT, which is A Police  
17 officer's Supervisory In-service Training. And plus we  
18 have our own program which is a 3-hour program  
19 involving decisionmaking. The decisionmaking course is  
20 a start of a career track we would like to lay out and  
21 any officer who is anticipating a promotion in the near  
22 future or ones who were recently promoted would be  
23 encouraged to go to this to develop their leadership  
24 and supervisory skills.

25 MR. KRANTZ: Thank you, Major.

1 BY CHAIRMAN CALTAGIRONE: (Of Major Spang)

2 Q. I'm just curious, since you mentioned  
3 over 1,200 police departments throughout the  
4 Commonwealth.

5 A. Yes.

6 Q. Do you have any idea how many chiefs and  
7 -- I don't know, I was just curious if you would have  
8 any stats on that, that are either women, blacks or  
9 Hispanics?

10 A. I have absolutely no idea.

11 Q. Would there be any way of finding that  
12 information out from your organization?

13 A. Not through our office.

14 Q. No?

15 A. We keep no statistics on women or any  
16 minority group. They are all police officers.

17 Q. Your budget comes under the auspices of  
18 the Pennsylvania State Police, is that correct?

19 A. We have a separate budget within the  
20 State Police budget.

21 Q. Can I ask why is that? Is that the way  
22 the act was originally designed--

23 A. Yes.

24 Q. --as far as the funding stream?

25 A. Yes. When Act 120 was initially

1 established, the State Police were given the  
2 administrative responsibility for conducting the  
3 program. It's cheaper that way, too. Instead of the  
4 commission having to have its own total support staff,  
5 we can take advantage of the support staff of the State  
6 Police.

7 CHAIRMAN CALTAGIRONE: Bob.

8 REPRESENTATIVE REBER: Thank you, Mr.  
9 Chairman.

10 BY REPRESENTATIVE REBER: (Of Major Spang)

11 Q. Major, the annual certification with  
12 firearms, what particular firearms are used? Is it the  
13 personal side arm that the officer would be operating  
14 with or is there a standard one that's used? How is  
15 that done? And I've another reason why I'm asking that  
16 question because I have another concern.

17 A. Okay. Right now we have--if I can give  
18 you a little history on this, perhaps it might help.  
19 Three years ago we polled the police departments and we  
20 asked them who conducted annual firearms  
21 qualifications. Over half of them responded back in  
22 our survey and said that they did. Then we developed a  
23 training program and we asked, would you make sure that  
24 all of your officers qualify annually? It turned out  
25 that most of the departments in Pennsylvania had no

1 firearms qualifications program, and in many instances  
2 there were officers who had worked for as long as 20  
3 years and had never qualified with their firearms. We  
4 instituted the program in 1991, and it requires them to  
5 use the firearm issued to be carried on duty; or if  
6 they're authorized to use a shotgun, to make sure that  
7 they can utilize that properly; or if they're  
8 authorized to carry a rifle, that they know how that  
9 works. They also require them, if they're allowed to  
10 carry a second weapon or if they're mandated to carry a  
11 personal weapon in off-duty situations that they also  
12 qualify with that firearm. And the reason is the  
13 liability issue.

14 We also require them to qualify with duty  
15 ammunition, with what is carried on duty. There have  
16 been a number of court cases that have come up about  
17 the use of force or excessive force where officers may  
18 have been carrying super loaded ammunition or not  
19 carrying the proper ammunition for that type of weapon.  
20 As a result, we mandated they must use the duty  
21 ammunition.

22 Q. Have you gotten any kind of feedback --  
23 let me give a little bit of background as to where I'm  
24 going with this. A few months ago there was a number  
25 of articles in the Philadelphia media about the concern

1 of the officers on duty and in the Philadelphia Police  
2 Department as well as a lot of other suburban  
3 departments not having the type of side arm they would  
4 like to have. And Major, you might be a little  
5 familiar with this. I have an article, and my staff  
6 has it upstairs because I sent it up to look at. Mr.  
7 Chairman, it's something we're working on because I  
8 think it's an absolute crime that we've got the  
9 Attorney General and district attorneys running around  
10 the State confiscating drug forfeiture situations and  
11 yet our police departments are not carrying what in  
12 effect is the appropriate side arm that they feel they  
13 should have, and it's a semi-automatic of some sort and  
14 if I heard the name of it I would know what I'm zeroing  
15 in on.

16 A. Glock?

17 Q. That's it. That's it

18 A. Okay.

19 Q. And there's like 400 guys in Philadelphia  
20 that are buying these out of their own funds so they  
21 feel secure, and I personally think it's criminal that  
22 we don't in some way, shape, or form make a sufficient  
23 fund available that they can at least be armed with the  
24 type of weapon that they feel comfortable with, and I  
25 want to get some more background on this and make it



1 available to the committee, Mr. Chairman, because I  
2 think it's certainly a direction we should be going.  
3 It was very impressionistic, the expose that I read  
4 about it and some of the stories that I've heard in  
5 speaking to a lot of local police officers of that  
6 concern.

7 My question is, have you -- obviously  
8 knowing the manufacturer that I'm talking about and the  
9 type -- have you heard anything about this? Can you  
10 give me anymore background on it? Is this a valid  
11 concern that you're hearing about in the course of your  
12 operations on the annual certification that you are  
13 involved with or otherwise?

14 A. Well, the concern that we have is we've  
15 stayed away from recommending any weapon except stating  
16 that it should be at least .38 caliber or higher and  
17 let that up to the discretion of the municipalities  
18 what they would use. Most of the departments use  
19 .357s. Some have gone to the .9 millimeter, some have  
20 gone to the various semi-automatics such as the  
21 Brownings, the Glock, Colts. I'm not a firearms person  
22 so I'm not familiar with all those. But the biggest  
23 problem we were concerned with, we don't care what you  
24 carry--

25 Q. It's proficiency in the side arm that

1 you're carrying?

2 A. --that you can use it safely and it's a  
3 piece of safe equipment. One of the difficulties that  
4 many departments, had and the recommendation from all  
5 the experts in the field was that before a department  
6 go and allow officers to carry a semi-automatic pistol,  
7 that they make sure they know how to use it. There  
8 have been a number of accidental shootings involving  
9 these weapons because they do operate differently. The  
10 Glock operates different than the Colt. The Colt  
11 operates different than the Browning. So that if I  
12 would be trained well on the Glock, I may end up in one  
13 instance or another, perhaps in a firefight or  
14 something like that, picking up another officer's  
15 weapon and not being able to operate it proficiently.  
16 So our concern was that these people be trained  
17 properly.

18 The difficulty was the only place where  
19 you can get that kind of training is from the  
20 manufacturers. So the manufacturers' representatives  
21 have had to come in and conduct training for many of  
22 the firearms instructors in those areas.

23 Q. Well, let's look at this from a different  
24 perspective then. Obviously, the proficiency in  
25 handling the firearm is paramount. Putting that aside,

1 have you received, are you aware of a concern on the  
2 street with officers that they aren't carrying the  
3 right firepower for the kind of job that they may be  
4 called upon to do? And I think it really emanates a  
5 lot out of situations where they are involved in a lot  
6 of drug war type situations. Now, obviously, if you're  
7 on that particular kind of specialized assignment, I  
8 suspect that you are appropriately equipped, but from  
9 what I'm hearing is the average patrolman on the  
10 street, he never knows when he's going to walk into  
11 that kind of scenario on an emergency or a call for  
12 assistance or whatever, and that was the genesis of the  
13 articles that I read. That's been the genesis of some  
14 of the conversations I've had, and I'm wondering if  
15 you've had any kind of feedback in that particular area  
16 that there is a fear out there that we ought to be  
17 better armed.

18 A. We've been hearing this for 10 years.

19 Q. Okay.

20 A. That the drug enforcement, especially  
21 those involved with drug enforcement, that the  
22 criminals are better armed than the police officers  
23 were. And in response to that, many agencies have been  
24 going, as they can fiscally handle it, have been going  
25 to weapons that have larger magazine capacity rather

1 than the six-shot revolver.

2 Q. Right.

3 A. But it's a major expenditure of money.

4 Q. Well, I understand that, but you know, in  
5 the hallowed halls of this institution, when I have to  
6 rank what we are being asked to do to equip the  
7 1,200-some police departments so they can appropriately  
8 go out and do it and the kind of moneys that I continue  
9 to read about that the Attorney General is parceling  
10 out at his discretion, and district attorneys in  
11 Philadelphia and my own Montgomery County where there  
12 is a significant haul, if you will, coming in, I think  
13 in my area of ranking this certainly has to go  
14 somewhere near the top of remediation if it's a problem  
15 out there. And frankly, that's the reason for these  
16 kind of hearings, because I want to hear from people  
17 like yourself that have the expertise and have the  
18 dealings and hear the rumor mills and everything else,  
19 and before we embark upon anything that's a mandatory  
20 type situation we have to ask these kind of questions,  
21 and that's the genesis for my question.

22 A. Since we started the mandatory firearms  
23 qualifications we've heard all kinds of horror stories,  
24 and the latest was one that, a phone call I received  
25 approximately a month ago from the chief of a

1 seven-man, part-time police department. I don't  
2 remember the department. I don't know which one it was  
3 because I get a lot of calls every day. But he heard  
4 that the State Police were considering going to new  
5 semi-automatic weapons, and he wanted to know if I knew  
6 how he could purchase one of the older guns that would  
7 be getting turned in, the Rugers that they presently  
8 carry. And I told him approximately the process. He  
9 says, well, when is this going to happen? And my  
10 understanding was it wasn't going to happen until  
11 perhaps next year. He said, well, do you know where I  
12 can get a gun faster than this? I said, well, what's  
13 the hurry? He said, well, we have seven guys, we all  
14 work part-time, we only had one guy who had a gun and  
15 he quit and took the gun with him.

16 Q. Well, it's the beg, borrow, and steal  
17 scenario that's out there.

18 A. Right.

19 Q. You just confirmed, coming from another  
20 direction, what's being talked about and has been  
21 talked about.

22 A. But see, I don't know if that's so much  
23 your responsibility as local government's  
24 responsibility to take some action on their own to make  
25 sure that their police officers are properly equipped.

1 We've had other problems where the training budget for  
2 a municipality for a five-man police department was  
3 \$200. When we instituted mandatory firearms  
4 qualification, they didn't have enough money to buy  
5 ammunition for the officers to qualify. The officers  
6 had to provide their own ammunition to qualify to keep  
7 their jobs. So it goes deeper than buying  
8 semi-automatic weapons.

9 Q. Well, I understand that, and as I like to  
10 say on a lot of occasions, in my prior life I sat as a  
11 municipal Solicitor for over 19 years both in  
12 municipalities that have the fiscal availability to do  
13 everything from A to Z, and I've also sat where they  
14 don't have it, as you suggested. I guess what I'm  
15 saying, when you start ranking some of the things that  
16 I've seen the drug forfeiture money used for over the  
17 years, if I have to prioritize it, this type of  
18 expenditure out of that program or another program or a  
19 direct line appropriation, in my opinion, really ranks  
20 up there and should be given that consideration, and I  
21 just want to make sure that I'm not hearing something  
22 incorrectly. All you're doing is reaffirming with  
23 different kinds of thoughts what I've always felt.

24 REPRESENTATIVE REBER: Thank you, Mr.  
25 Chairman. I'm sorry to belabor it.

1                   CHAIRMAN CALTAGIRONE: We have a former  
2 police officer from Philadelphia that might shed some  
3 light on this conversation.

4                   REPRESENTATIVE JAMES: Well, I don't know  
5 about that, but I do know that -- thank you, Mr.  
6 Chairman -- I do know that it basically should be up to  
7 the respective municipalities in terms of how they want  
8 to do that.

9 BY REPRESENTATIVE JAMES: (Of Major Spang)

10                  Q. The question I want to ask is you talked  
11 about certification and that you were asking that other  
12 departments be certified with the training, firearm  
13 training, and they had to do it every year.

14                  A. Yes.

15                  Q. And what happens if they don't?

16                  A. Right now we don't have the staff to  
17 check. We have to take their word for it that they  
18 did. The first complaints you're going to get where  
19 someone did not get recertified will probably occur on  
20 April 1. By March 31, we intend to issue a  
21 certification to every police officer, which will  
22 include all of the grandfathered officers, those who  
23 have been employed prior to 1974. When the act was  
24 passed it stated that certification would be good for  
25 two years. We never got the equipment nor the

1 personnel to be able to do this in a more timely  
2 manner. So now on March 31 of this year we will be  
3 issuing a new certification to every police officer  
4 that would be based upon their attendance at the 1991  
5 and 1992 mandatory in-service programs and possessing a  
6 current first aid and CPR card, and having qualified  
7 with firearm within the last calendar year. We're  
8 going to have a number of people who have ignored our  
9 letters, who have not gone to the training program, for  
10 whatever reason; some legitimate, some were on  
11 disability leaves, and we've given those people an  
12 extension of time to complete the program. We've even  
13 gone to the expense of rescheduling 1991 training  
14 during 1993 for those officers who, for whatever  
15 reason, did not have a chance to go to it. We have  
16 1992 training scheduled during 1993 for officers to  
17 obtain the training who, for whatever reason, did not  
18 get to it. We've advertised in all of the bulletins  
19 that we can. We send out over 2,500 newsletters every  
20 quarter. We've made speeches all over this State.  
21 Wherever anybody wants us, we'll show up and talk to  
22 them. We've been to the associations meetings of  
23 townships and boroughs, the Pennsylvania Chiefs  
24 Association, the members of the commission who are  
25 members of the Fraternal Order of Police have talked



1 about the problems in the F.O.P. journals. We've gone  
2 everywhere we can. In fact, we even went to the extent  
3 of writing a letter to every municipality in the State,  
4 even those that we knew did not have a police  
5 department, asking them, do you employ police officers  
6 and haven't told us before, and telling them about the  
7 training programs and certification requirements. I'm  
8 sure that on April 1 there will be all kinds of people  
9 screaming because they didn't know anything about it.

10 Q. I was just wondering, do you allocate any  
11 funds to any of those departments, given the fact that  
12 they don't go for the training or don't want to be  
13 involved in the training? Is there any way that you  
14 stop any funding that goes in there, or do you just  
15 train the officers who want training?

16 A. There's a criminal penalty in the act  
17 that states that any municipality that employs a police  
18 officer that is not certified is subject to a summary  
19 violation of the Crimes Code.

20 Q. Summary violation?

21 A. Summary violation. And plus, we can stop  
22 any funding going to that municipality. It was the  
23 intent when the act was written that that apply to all  
24 State funding. There has been a decision since that it  
25 only applies to funding coming from the commission. So

1 the only way we can affect that municipality is if they  
2 should apply for reimbursement for basic training for  
3 an office or something like that. That's the only  
4 hammer we have at the present time. And what's going  
5 to occur is defense attorneys are going to start asking  
6 to see the officer's certification card. If the  
7 officer does not have a certification card, any arrests  
8 he has made will be null and void.

9 Q. Well, why would you then issue a  
10 certification card, or why do you have to issue a  
11 certification card, if that's going to start the  
12 defense to ask for the certification? Is that part of  
13 the act?

14 A. That was part of our strategy of making  
15 sure that they came to the training program. If they  
16 don't come to the training program and maintain their  
17 proficiency, they don't get recertified; and therefore,  
18 they aren't going to be allowed to work.

19 Q. Okay.

20 A. Allowed to work is a misnomer. They  
21 won't be allowed to enforce the Crimes Code or moving  
22 violations of the Vehicle Code to carry a firearm.  
23 However, they can still be employed in another  
24 administrative capacity as a police officer. For  
25 instance, in a large department such as Philadelphia,

1       there are many officers who are employed in  
2       administrative duties who really aren't enforcing  
3       various sections of the law, except in a major  
4       emergency. So there's even a provision in there that  
5       those persons who claim administrative status don't  
6       have to comply with the training. However, before they  
7       would go back to another assignment that would require  
8       them to do those enforcement duties, they must go  
9       through a training program.

10               Q.     What happens if an officer or a candidate  
11       goes through the police academy and they have to come  
12       up with so many points on each part, show certain  
13       proficiency in each part of the test, is that correct?

14               A.     Yes.

15               Q.     And what happens if they miss by one  
16       point? Is there any provision because they went  
17       through two months or six weeks of training that they  
18       can go through that part again--

19               A.     Yes.

20               Q.     --and take it?

21               A.     Yes. Suppose they would fail the  
22       criminal law section. They must come back and repeat  
23       the entire criminal law section. They can't just go  
24       and take another test.

25               Q.     Okay, so they don't have to go through

1 the whole process again, just the criminal law?

2 A. No, just the part that they failed.

3 REPRESENTATIVE JAMES: Okay.

4 Thank you, Mr. Chairman.

5 CHAIRMAN CALTAGIRONE: Another question?

6 Yes.

7 REPRESENTATIVE MASLAND: I have some, Mr.  
8 Chairman.

9 BY REPRESENTATIVE MASLAND: (Of Major. Spang)

10 Q. Just a few technical questions to make  
11 sure I got the numbers right. You said your '91-'92  
12 budget was \$9.11 million?

13 A. Yes.

14 Q. And then '92-'93, \$8.6, and you're hoping  
15 for about \$10 million in '93-'94?

16 A. We're always hoping.

17 Q. Yeah, of course. For my benefit, where  
18 on this little State Police handout can I find those  
19 figures? I see a line on E-39.04 that has municipal  
20 police training there near the top near the General  
21 Fund. Is that where you're getting those figures? And  
22 if so, I don't see--

23 A. I think if you look at the General Fund  
24 allocation of \$4,390,000, and then down below under the  
25 Motor License Fund you'll see the municipal police

1 training \$4,390,000.

2 Q. Right.

3 A. So there they're coming up with almost \$9  
4 million. We asked for \$10 million. If we get \$9  
5 million we'll be able to function well.

6 Q. I was just wondering where you got \$9.1  
7 million for '91-'92, because I see \$3,254,000.  
8 \$3,254,000 that looks like.

9 A. No, I'm taking it off what I was notified  
10 was my allocation at the time.

11 Q. Because the \$8.6 million I can see for  
12 '92-'93 if you double the \$4,339,000. Is that the way  
13 it normally works, you get half from the General Fund  
14 and half from the Motor License Fund?

15 A. Yes. I think my \$8 million was based on  
16 after the rebudget.

17 Q. Just one other minor question. I was  
18 listening to the 19 schools that are certified. I  
19 didn't hear you mention Dickinson School of Law, but I  
20 know they have some kind of course there. Is that  
21 through HACC?

22 A. No. Dickinson used to be one of the  
23 certified schools a number of years ago, over 10 years  
24 ago. There are many schools that conduct training  
25 programs in satellite campuses for our regular

1 certified schools. Dickinson conducts all kinds of  
2 programs down there, but not necessarily ones for the  
3 training commission.

4 Q. Okay.

5 REPRESENTATIVE JAMES: Is it possible to,  
6 Mr. Chairman, to have a list or get a list or be  
7 provided a list from the commission?

8 MAJOR SPANG: Sure. I'll send it to you.

9 CHAIRMAN CALTAGIRONE: If you can forward  
10 that to the committee, we'll make sure that the members  
11 get a copy of that.

12 MAJOR SPANG: I'll send it to you,  
13 Representative Caltagirone.

14 CHAIRMAN CALTAGIRONE: Are there any  
15 other questions?

16 Dave.

17 MR. KRANTZ: Just kind of a stupid  
18 follow-up.

19 You mentioned that the different weapons  
20 have things like specialized training for a Colt versus  
21 Smith and Wesson, et cetera. Do you mean like the kick  
22 of the gun when you shoot, or what?

23 MAJOR SPANG: No, different safety  
24 features. I don't know how those things work.

25 REPRESENTATIVE JAMES: If I can give you

1 an example.

2 MAJOR SPANG: Perhaps he can do better.

3 REPRESENTATIVE JAMES: On the colt, the  
4 cylinder goes one way, and on a Smith and Wesson it  
5 goes another way.

6 MR. KRANTZ: Okay.

7 MAJOR SPANG: Once you get into the  
8 semi-automatic weapons, there are many--

9 REPRESENTATIVE JAMES: That's worse.

10 MAJOR SPANG: --there are many other  
11 problems; various types of safety features. Is it a  
12 double cocking? Is it a single action? Do you have to  
13 carry it cocked with one in the chamber or do you press  
14 a button and it automatically chambers another one in  
15 as you go to use it? You know, what are the various  
16 features of how it works properly? And it's rather  
17 confusing to me because I'm still trying to figure out  
18 how the revolver works.

19 MR. KRANTZ: I don't know. I just  
20 thought they picked it up and pull the trigger.

21 MAJOR SPANG: That's how the revolver  
22 works.

23 REPRESENTATIVE HECKLER: I was just going  
24 to volunteer, as something of a gun nut, too, perhaps  
25 we can conduct an orientation at some point as to basic

1 firearms. That's one of the difficulties, and Bob was  
2 mentioning earlier, there are certainly police officers  
3 who feel the desire, at least, I don't know about the  
4 need, to have as much firepower as they could possibly  
5 get, and of course that's defined in different ways,  
6 but number of rounds available without reloading as  
7 opposed to the velocity or so-called stopping power for  
8 a particular round. I have a certain amount of  
9 suspicion that some of what an individual officer may  
10 desire is more based on his particular preference.  
11 It's Fords versus Chevies, or whatever, as opposed to  
12 what might be termed at a policy level by a department  
13 in terms of reviewing the needs that their officers are  
14 going to encounter, but at any rate, if we could  
15 schedule a seminar at some point, maybe go out to the  
16 range.

17 CHAIRMAN CALTAGIRONE: Yeah, I would like  
18 to ask the Major, if he wouldn't mind, maybe getting  
19 something like that set up. I've been at the Reading  
20 range a number of times, and also, we have a  
21 specialized SWAT team, some communities have them.  
22 Larger police departments do. We have approximately  
23 200 in Reading. I'm sure in Philadelphia and  
24 Pittsburgh, and maybe Erie, Allentown, they have  
25 specialized firearms and firepower.



1 MAJOR SPANG: Right.

2 BY CHAIRMAN CALTAGIRONE: (Of Major Spang)

3 Q. The one thing that I was curious about,  
4 we're a SWAT team, we're cross-trained on a variety of  
5 weapons that we would utilize, especially those that we  
6 carry--

7 A. Right.

8 Q. --in those situations. We have backup  
9 with the regular patrol. They're not cross-trained.

10 A. That's correct.

11 Q. If one of us go down, they're backup,  
12 they come in, they pick up the weapon.

13 A. That's why we ask that the officers be  
14 trained in the weapons that they would be carrying.

15 Q. But there's always situations--

16 A. There's always going to be the situation.  
17 We can't train for every exigency.

18 Q. Yeah.

19 A. However, in most SWAT team or special  
20 emergency team operations, once they arrive, they take  
21 control of the issue. Other officers who are there are  
22 sent out to further away locations because they don't  
23 know what's going to happen. And the SWAT team or the  
24 CERT team trains as a unit, anticipates all their  
25 issues, and anticipates a number of problems that may

1 occur. During one of our -- we have three officer  
2 safety programs that we present for officers that are  
3 part of the mandatory training program, and the one  
4 that we just produced this year, which is the first  
5 time we produced our own video, we have taken a  
6 combination of municipal police and State Police and  
7 produced this video and taught officers safe entry  
8 techniques for buildings, and we teach those officers  
9 how to recognize by hand signals, keep conversations to  
10 a minimum, and show them the proper way of searching a  
11 building with the least amount of danger to themselves  
12 or the suspect. Those are all things that are being  
13 learned by a number of different people. The  
14 difficulty, as always, you're going to have someone who  
15 doesn't obey orders and gets involved with the SWAT  
16 team when he's not supposed to be there, because now  
17 he's endangered everyone's life. There's always the  
18 possibility that the SWAT team member could be injured  
19 or a number of them be injured and other officers have  
20 to come in and rescue, but a lot of that is going to be  
21 up to the individual departments to try and frame.

22 We're still trying -- our biggest  
23 priority, we would like to be able to give driver  
24 training for every officer. Driver training is one of  
25 the biggest liability issues for every police

1 department. At the present time, we have to conduct  
2 our driver training on race tracks or on parking lots  
3 of municipalities or schools, et cetera. We used to be  
4 able to do it in shopping center parking lots, but now  
5 shopping centers are all open Sundays. The liability  
6 issue is there because they don't want someone knocking  
7 over their light standards or injuring somebody else  
8 maybe in the parking lot. The cost of doing that kind  
9 of training is rather high.

10 In fact, last year when there was some  
11 legislation introduced to require pursuit driving for  
12 every officer, I sort of testified against it until  
13 someone was ready to make the commitment of money as to  
14 how much this would cost. And to properly train every  
15 officer at least once every three years on maybe a  
16 one-week update on driving skills is going to cost  
17 approximately \$24 million initial capital outlay  
18 because you would have to have three training sites.  
19 You'd have to one in the east, one in the central, one  
20 in the west. It would have to be capable of being  
21 operated year-round because we have weather conditions  
22 such as we have now that's going to require plows and  
23 salt. You have to have a fleet of current police  
24 vehicles of what's being used now. You can't take  
25 something that's 10 years old and use that to train the

1 officer. You have to have a maintenance staff there,  
2 and you have to have a full-time academy cadre there  
3 who's going to be there to teach that stuff. And  
4 depending upon where you are, you're also stuck with  
5 lodging and meal costs. So it starts to add up rather  
6 quickly.

7 I know the figures are accurate because  
8 there are a number of States who already do do this and  
9 we called them and we asked, what does it cost you to  
10 do it? And when they told us the costs, we knew right  
11 away we weren't going to be able to do it. But to do  
12 it properly, it takes about \$8 million per site to set  
13 it up, and the operating expenses will be about  
14 \$500,000 a year for each one.

15 BY MS. MILAHOV: (Of Major Spang)

16 Q. Do you also do training for officers with  
17 canine divisions?

18 A. No, we don't.

19 Q. So is that totally up to the  
20 municipality?

21 A. That's up to the municipality that  
22 employs those kind of officers.

23 Q. Where do they get their training and  
24 their animals?

25 A. There's a National Association of Canine

1 Handlers. They also obtain it from the Philadelphia  
2 Police Department trains a lot of the canine officers  
3 from other departments. Washington, D.C., the  
4 International Association of Chiefs of Police, they all  
5 have training programs available for those officers in  
6 those specialties.

7 REPRESENTATIVE JAMES: Mr. Chairman.

8 CHAIRMAN CALTAGIRONE: Yes.

9 BY REPRESENTATIVE JAMES: (Of Major Spang)

10 Q. What about baton training? Is that part  
11 of your act?

12 A. Baton training is taught in the basic  
13 training academy using it as a defensive tool and as an  
14 alternative to lethal force. We also fund  
15 non-mandatory in-service training programs for officers  
16 to have updated training in the use of the baton. We  
17 have to be very careful about that because when the  
18 Rodney King incident happened, we were very fortunate  
19 in that we had already instituted a use of force  
20 training program for every officer in the State. And  
21 when the media contacted us immediately upon Rodney  
22 King occurring, we invited them to come to our  
23 programs. They sat in, they filmed it, they taped it,  
24 and they didn't play any of it because there was  
25 nothing controversial there and there wasn't any reason

1 to make a big play about it.

2 Q. You ought to be commended for that.

3 A. That wasn't my idea, that was the  
4 commission's idea. We have a bunch of very dedicated  
5 people as commission members who do not get paid to be  
6 there. They receive their expenses. Many of them take  
7 their own vacation time to come to the meetings. Some  
8 of them every month commit at least two days, and  
9 others at least two days every quarter.

10 CHAIRMAN CALTAGIRONE: What about stun  
11 guns and/or mace or other types of chemical agents that  
12 people train in those areas?

13 MAJOR SPANG: For mace or use of tear  
14 gas, we will pay for them to have an instructor come  
15 in, we will pay for the munitions for the instructor to  
16 demonstrate. We can't afford to start paying for all  
17 the tear gas for all the municipalities that want to  
18 use this stuff. We also have a policy that if it's new  
19 equipment and the municipality decides that they want  
20 to utilize this new equipment, most of the  
21 manufacturers have a trainer who can teach them the  
22 proper use of that equipment, rather than they hire  
23 some guy who just saw it the day before, now he's going  
24 to tell them how it works.

25 We also just can't afford to have special

1 training programs for every municipality that decides  
2 to buy a new piece of equipment. The latest thing that  
3 people are sort of angry with us about is pepper mace,  
4 which is a new type of deterrent that's used in lieu of  
5 force. And they want us to buy all the equipment for  
6 all these officers to have all this stuff. Well, we  
7 can't afford that. So we won't even--

8 REPRESENTATIVE JAMES: Excuse me, when  
9 you say "they," who are "they"?

10 MAJOR SPANG: The chiefs, or the  
11 officers, or whoever they can convince to have the  
12 training program.

13 REPRESENTATIVE JAMES: Okay.

14 MAJOR SPANG: I mean, if we let the doors  
15 wide open, we wouldn't have any money by August. So we  
16 sort of established some parameters. And we've had  
17 requests to train them on the use of computers and they  
18 all have different computers and when they bought them  
19 they didn't know what they were buying. You know,  
20 there's all kinds of requests for all kinds of things,  
21 and there are some things that are a cost of doing  
22 business when you're a municipality that you have to  
23 bear on your own.

24 REPRESENTATIVE MASLAND: Mr. Chairman.

25 CHAIRMAN CALTAGIRONE: Yes.

1 BY REPRESENTATIVE MASLAND: (Of Major Spang)

2 Q. I just want a clarification of something  
3 that's already been discussed and maybe I just  
4 misunderstood. Regarding firearms, it was my  
5 understanding that they would be trained on the weapon  
6 that was authorized by their department.

7 A. Correct.

8 Q. And then I thought you said that they  
9 would be trained on the weapon that they would use.  
10 Now, what if the department authorizes a Browning but  
11 they want to use a Glock? They're not going to get  
12 trained on the Glock because that's not authorized by  
13 the department, is that correct?

14 A. If their department allows them to carry  
15 another weapon in lieu of the issue weapon, they must  
16 also qualify with that weapon.

17 Q. Okay, so they would have to qualify on  
18 both of them if they're permitted to do that?

19 A. Right. For instance, the biggest example  
20 is many departments only issue one weapon to an  
21 officer, and it's usually the weapon carried by the  
22 patrol officer. If he would become a detective or he  
23 moves into a plain clothes operation for whatever  
24 reason, they often want to carry something that's maybe  
25 more concealable. In those instances, they may have a



1 personal weapon that's smaller than what they had  
2 before, and all we're saying is before he goes and uses  
3 that, make sure he's qualified with it.

4 Q. And as long as it's authorized by the  
5 department, that officer is okay?

6 A. That's correct.

7 Q. If the department only authorizes a  
8 Browning, that person would get into some trouble,  
9 obviously, if they start using a Glock?

10 A. Well, if they get sued, that could be a  
11 basis of the suit. And we're doing it telling them  
12 it's your decision. This is what happens, but this is  
13 what we require.

14 Q. Do most departments authorize several  
15 different guns?

16 A. Prior to implementation of our  
17 requirement there were many departments that had no  
18 types of regulations whatsoever and officers were  
19 carrying everything from .44 magnums to .22 pistols.  
20 As a result of the requirements, most of them have  
21 narrowed down to a specific type of weapon and made  
22 sure their officers were there, and we've conducted  
23 enough liability issue programs for chiefs and  
24 supervisors explaining what can happen, and we've had  
25 instructors from the FBI academy's legal unit up here

1 doing programs for them. The Attorney General has  
2 addressed the issue. The State Police legal counsel  
3 has addressed the issue, and the biggest one that has  
4 made the impact has been the insurance companies that  
5 carry the liability insurance for the municipalities.

6 CHAIRMAN CALTAGIRONE: As a follow-up to  
7 that, I think probably in the vice sections of a lot of  
8 the cities, a lot of the vice officers that especially  
9 go undercover usually have some type of concealed piece  
10 that they have, pistols and what not.

11 MAJOR SPANG: Right.

12 CHAIRMAN CALTAGIRONE: That are  
13 authorized, I'm sure, and approved, but they would  
14 qualify for with those. The Baretts come to mind.

15 MAJOR SPANG: Yes.

16 CHAIRMAN CALTAGIRONE: Any other  
17 questions?

18 (No response.)

19 CHAIRMAN CALTAGIRONE: Thank you. If you  
20 could supply that information, Major Spang, to us,  
21 we'll certainly share that with the committee.

22 MAJOR SPANG: You had asked if I could  
23 set up a demonstration of the various types.

24 CHAIRMAN CALTAGIRONE: Yes. However that  
25 would be accomplished.

1 MAJOR SPANG: I only have one firearm in  
2 my office, that's the one issued to me by the State  
3 Police. I have no access to any kind of weapons like  
4 that. I can talk to Major Glickey at the State Police  
5 Academy and Colonel Walp and see if that is a  
6 possibility that they may be able to set up something  
7 like that for you. I can't make any promises, and  
8 perhaps Major Miller can give me some idea.

9 CHAIRMAN CALTAGIRONE: I think that would  
10 be very informative for the members. I've been to the  
11 Reading Police firing range a number of times. As a  
12 matter of fact, DCA Secretary Karen Miller and my wife  
13 and I and Chief Steffy were firing on the range with  
14 them, and the women beat us badly. But it's  
15 interesting, though, I think for the members that have  
16 never had that experience to see what it takes to  
17 qualify on the firing range.

18 MAJOR MILLER: I'll work it out with  
19 David.

20 CHAIRMAN CALTAGIRONE: Major Miller  
21 indicates that he'll work something out with Dave.

22 All right. That will conclude the  
23 hearing for today.

24 MAJOR SPANG: Thank you, Mr. Chairman.

25 CHAIRMAN CALTAGIRONE: Thank you very

1 much.

2 (Whereupon, the proceedings were  
3 concluded at 11:00 a.m.)

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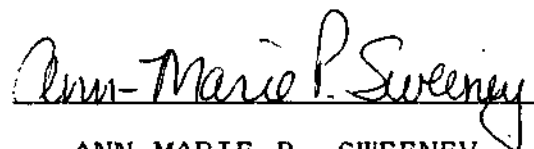
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause, and that this is a true and correct transcript of the same.

  
ANN-MARIE P. SWEENEY

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