

**Corporal Paul T. McCommons**  
**President, Pennsylvania State Troopers Association**  
**Tuesday, June 24, 1997 Address: Public Hearing on House Bill 1288**

Good morning. For those of you who do not know me, my name is Paul McCommons. I am the President of the Pennsylvania State Troopers Association and serve as a Corporal with the Pennsylvania State Police. I have been a member of the State Police for twenty-eight (28) years. Prior to that time I served as a police officer in the City of Butler. In all, I have devoted thirty-two (32) years of my life to serving the public as a police officer. It is in that capacity that I come before you today in support of an important piece of legislation which offers protection to all of Pennsylvania's police officers, regardless of designation.

The majority of Pennsylvania's police officers work single man patrol shifts. This means that in making an arrest or issuing a citation, the officer is alone with the suspect. Therefore, the question of whether an officer has taken some action in violation of the suspect's rights comes down to the word of the officer against the word of the criminal.

The current media hype surrounding police conduct is at an all time high following the Rodney King incident and the Detective Mark Furman's involvement in the O.J. Simpson trial. This hype has injected a presumption of police misconduct into the public conscience. Simply put, a suspect or criminal knows that in a one on one situation, an allegation of police

misconduct will provide an opportunity for retribution against the officer. In an effort to avoid culpability, employers are obligated to investigate the officer's conduct. Such investigations throw the officer and the police department into turmoil by creating an atmosphere of mistrust. In addition, countless dollars and man-hours are spent in pursuing internal investigations, many of which are without merit. Few would disagree that our citizens' tax dollars are better spent in pursuing and investigating criminal activity and not in unnecessarily disrupting the lives of those who have dedicated themselves to upholding the laws of the Commonwealth.

My purpose here today is not to suggest that all police officers are beyond reproach. To make such a suggestion would not be appropriate. My purpose, and the true focus of House Bill 1288, is to prevent the filing of false complaints against police officers. This bill protects our citizens by restoring the resources of police departments to the public and reclaiming the once proud reputation of our police officers. These things are important rights of all members of this Commonwealth. They are necessary to the establishment of the orderly society upon which our daily lives depend. Do not then look upon House Bill 1288 as an infringement on the rights of our citizens, but as a protection of those rights.

The Commonwealth and the Pennsylvania State Troopers Association are continually working together to ensure that Pennsylvania's

citizens receive the best service possible from its state police officers. We have formulated procedures for the investigation of officer conduct and the imposition of corrective measures where the circumstances demand action. As part of this collective goal, which seeks to provide first rate police service to Pennsylvania's citizens, the Commonwealth commissions its Bureau of Professional Responsibility to perform an annual study of complaints against state police officers. The 1996 Annual Report reveals that one-third of all complaints alleging physical abuse by a state police officer were completely unfounded. The Bureau's statistics present many other categories of complaints beyond physical abuse. When all of these categories are totaled, the statistics reveal that nearly fifteen percent (15%) of all complaints are unfounded.

The simple filing of a complaint against a police officer is not without some price to that officer, regardless of the outcome of the investigation. An officer charged with misconduct must carry with him or her the stigma of impropriety. This is a heavy burden to bear. There will always be a section of the public, of co-workers or even family that suspects the complaint to be true. This stigma, once attached, cuts away an officer's pride and that of the department.

The filing of false complaints is a very real problem that eats at the law enforcement community like a disease. House Bill 1288, which levies a

significant penalty on anyone falsely accusing an officer, takes a positive step towards deterring the spread of this disease. As a thirty-two year veteran of police service, I urge each of you to support this bill vigorously. It is a step forward for Pennsylvania.

Thank you.

# Court of public opinion often judges cops wrongly

by Judge CORREALE STEVENS

**R**odney King: the ultimate weapon in the hands of those who would handcuff our police officers across the country, those who blame all our police officers for the wrongful acts of a few.

There is a disturbing trend among many pundits with New Age leanings to put the blame on the cop on the street for all of society's problems with crime and violence.

You can be sure none of those commentators ever had to stop a car on the Schuylkill Expressway at 3 a.m.; not knowing if some drunk or drugged-out driver would pull out a gun and shoot. You can be sure none of those commentators walked the streets of lawless neighborhoods — long-



Correale Stevens

forgotten after the political campaigns were over — in our inner cities.

Police officers work long hours, often in split shifts, which means that some weeks they work all night and some weeks they work all day. The havoc this schedule plays on their family life is not seen by the general public. Think of how busy a normal schedule is with a family: errands, haircut, basketball games and car pooling. Now imagine that every few weeks you work all night and must grab a few hours sleep during the day, leaving precious little time for family.

Police officers are expected to give traffic directions, stop teenage cruising, break up family quarrels, catch murderers and prevent crime. They are screamed at, thrown up on, and assaulted by drunks, druggies and deviants.

On the one hand, people demand "law and order." We are incredulous that crime exists. We express outrage when a friend or neighbor is mugged, beaten or raped. We want the police to catch the criminals and put them in jail.

Yet many pundits demerit the authority of the police. One bad cop, and suddenly we wring our hands and say all police are corrupt. For every Mark Furhman who said terrible things, there are hundreds and hundreds of cops who work in the cities and try to keep peace among racial groups who hate one another.

Yes, there are conflicting attitudes about our cops, a kind of love-hate rela-

**“Every day that police officer goes to work and puts his or her life on the line to protect the rest of us — our lives, our property, our principles. We should give more benefit of the doubt to the cop.”**

tionship. Driving on a highway one may become very nervous when a police car follows behind. But that same police car may give one a sense of security when driving around the neighborhood late at night.

The use of force by cops is another buzz word for critics and commentators. Some seem to believe our cops shouldn't carry weapons. Some seem to feel sorry for the criminal who has just severely mugged and beaten one of our senior citizens and was shot by a cop trying to save the life of the law-abiding citizen.

A policeman who uses force to protect the life of an innocent person starts out with some people assuming he was wrong. The criminal is treated with every constitutional right and is presumed innocent until proven guilty. But the cop is treated as though he used force wrongly and has to prove his own innocence and judgment.

In a court case the jurors are told they must not believe the testimony of a police officer just because that person is a police officer.

In other words, it is up to the jury to assess the credibility — that is, the believability — of the police officer. A police officer in a courtroom is held to the same standards of believability as any other witness and is entitled to neither more nor less consideration than the other witnesses.

But it is in the court of public opinion, not the courtroom, where there is too often a rush to judgment against the cop.

It is easy to look back and say the cop should have done this or that. But now consider that the cop may have to make an instant decision with someone else's life on the line.

What does a police officer do during a riot in the streets with looting and all kinds of criminal activity going on? Doesn't that police officer have a sworn duty to protect society and take action? Should the cop say, "Wait a minute, I'd better call the Police Advisory Group and ask them if I can act here?"

In the court of public opinion too of-

ten the looter who has smashed a window and is taking away a television or stereo is treated like a victim of society, and the cop who goes after the looter is treated like the criminal.

Police officers have a tremendous amount of discretion. Obviously, the unjustified use of force against citizens cannot be tolerated in a democratic society. Illegal searches and seizures, corruption and other types of police misconduct must not be permitted.

But let's remember that every police officer is a human being with family, friends, a life. Every day that police officer goes to work and puts his or her life on the line to protect the rest of us — our lives, our property, our principles.

In the court of public opinion, we should give more benefit of the doubt to the cop. Police officers are just as much entitled to the presumption of innocence as anyone else.

**O**ur police officers today are better educated, more highly motivated and more truly professional than at any time in our history. Besides formal academic training, our cops must be prepared to deal with sudden violence, child abuse, drug dealers who use high tech computers and cellular phones, and domestic disturbances in which both participants often turn on the cop who responds.

There must be rules and sanctions to protect us from police officers who abuse their authority. Corrupt cops can never be tolerated, and those found guilty of a crime must receive appropriate punishment. But at the same time let's not be so quick to condemn all police officers for the actions of a few who do not follow the rules.

It's time to give credit to the many men and women in law enforcement who sacrifice their own happiness to protect us from the criminal element. It's time to thank our cops for a job well done.

*Judge Correale Stevens, Luzerne County Court of Common Pleas, is a former member of the state House of Representatives and served as county district attorney from 1988-91.*