

**TESTIMONY TO:  
HOUSE JUDICIARY COMMITTEE  
By Major Richard C. Mooney  
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Good Morning. I'd like to thank the Chairman and the members of the Committee for the opportunity to testify on House Bill 1154. This bill directly affects the 1,210 municipal law enforcement agencies who receive their training and certification from the Municipal Police Officers' Education and Training Commission (MPOETC). At the outset I would like to clarify that as Executive Director of the MPOETC I in no way speak for or on behalf of the 19,000+ police officers in the Commonwealth. I am here as the Executive Director of Municipal Police Officers' Education and Training Commission to comment on the legislation and to answer any questions.

I agree with the concept of a uniform identification for police officers. However I have some concerns with certain aspects of HB 1154. Overall the bill seeks to create a uniform photo identification card system for municipal police officers and municipal authority security officers. The goal of this legislation appears to be to prevent the impersonation of police officers and to protect the public from potential impersonators. The bill fails to include all police officers in the Commonwealth. It only focuses on municipal police officers and municipal authority security officers. Clearly if uniformity of identification is the goal of this bill then consideration should be given to the inclusion of all law enforcement.

One major concern I have with the bill is found in Section 11 on pages 16 and 17. This section requires municipal police officers, except those working undercover, to carry and present an identification card upon request. I agree that the members of the public have a right to be certain that the person arresting or citing them is, in fact a

police officer. In situations in which the safety of an officer is not at risk, such as offering roadside assistance, the concept of presenting a uniform identification card has merit. However, the issue of officer safety should be considered in the context of arrests involving persons who may be armed and dangerous, or simply combative. In these situations it is not prudent for police officers to expose themselves and the public to danger in order to present an identification card for inspection by the arrestee or detainee. Control in these situations is paramount to the safety of the officer and the public. Once a police officer, uniformed or otherwise, displays a badge or other sign of authority and has announced his/her identity and purpose for an arrest or detention, allowing the arrestee or detainee to demand to see another form of identification removes control of the situation from the officer and places it with the arrestee or detainee. Furthermore display of an identification in these situations is not always practical, and failure of an officer to do so should not relieve the arrestee or detainee of the responsibility to comply with an officer's lawful orders. Additionally, the failure to display an identification could create a viable defense for those who flee or allude arrest or for those who assault police officers. I would strongly recommend that the committee reconsider this requirement.

The legislation also provides in Section 10 (d) that a person who forges, alters, or possesses a forged or altered identification card commits a felony of the second degree. The legislation does not however address situations in which a person possesses a counterfeit card, a card with fabricated information, or a stolen card. Additionally, the legislation does not address the use of stolen, forged, or altered cards to facilitate a felony. Persons disposed to commit felony 1 crimes such as rape, murder, assault, and robbery are not likely to be deterred by the penalties associated with the use of a forged or stolen police identification. I recommend that the legislation should include severe sentencing enhancements in crimes facilitated by an actor's misrepresentation that he/she is a police officer. Such an enhancement should apply whether or not a forged, altered or stolen identification card is used.

The MPOETC has since 1993 issued a uniform non-photo identification for all Act 120 certified officers. (Please see the provided sample.) The Commission already maintains a registry of all certified officers as called for in Section 2 (b) of HB 1154. Since the municipal police officers, along with certain campus police and deputy sheriffs, are currently certified and part of the registry, the committee may want to consider linking the certification that these groups are required to obtain from the MPOETC to the issuance of their identification cards. This would prevent the possession of an identification card by a non-certified officer/sheriff. Further, using the existing process would prevent the duplication of Commission resources.

Another area of duplication is the requirement in Sections 3 and 7 on pages 5 and 10 of HB 1154 that the MPOETC provide a "Termination Form" to municipal police to be completed and sent to the MPOETC upon the termination of employment of a municipal police officer. The MPOETC already uses a similar form which is referred to as a "Change of Status" form. In addition to separations of employment the form is also used to report a variety of personnel actions.

As an alternative to Section 7 (b) on page 8 of HB 1154 it would be cost effective for the Committee to consider allowing the MPOETC to implement the program in conjunction with our biennial re-certification process. In 1998, the MPOETC will begin their next biennial re-certification process. This process would provide the opportunity to issue a uniform identification application or card to all municipal police officers. Therefore, the information required to be collected by Section 7 of HB 1154 could be collected at each re-certification. By utilizing this process the MPOETC would realize significant savings in time and resources. The use of PennDot photo license centers would continue to be essential to the production of photo identification cards.

Section 8 (c) and (d) on page 12 of HB 1154 requires the MPOETC to conduct a biennial employment record update. To accomplish this section 9 (d) requires the

MPOETC to contact each of the 19,000+ municipal police officers individually. The MPOETC does not have the resources necessary to accomplish this task. As an alternative the Committee may consider utilizing another process already in effect. Currently the MPOETC requests a biennial update of the employment records of each department. This update request is mailed to each of the 1,210 departments and not to the individual officers. This process is less time consuming and costly than the one suggested by HB 1154.

Another area of duplication of resources is the requirement in section 10 on page 13 of HB 1154 that all municipal police departments shall provide the MPOETC with a written job description for each municipal police officer. It is my opinion that many of the departments do not have the time or resources available to comply with this section. This is especially true for a number of part time police departments. Currently the MPOETC is developing a generic job description for the position of municipal police officer. The Committee may want to consider permitting the departments to continue to use this description.

I would like to conclude by once again thanking the Chairman and the members of the Committee for the opportunity to testify on HB 1154. I would be happy to answer any questions you or the Committee may have.