

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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House Bill 147

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House Judiciary Subcommittee
on Crime and Corrections

Delaware County Courthouse
Government Center Building
County Council Meeting Room
Media, Pennsylvania

Wednesday, November 12, 1997 - 1:00 p.m.

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BEFORE:

Honorable Jerry Birmelin, Majority Chairperson

IN ATTENDANCE:

Honorable Thomas Gannon
Honorable Thomas Caltagirone

ORIGINAL

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ALSO PRESENT:

Brian Preski, Esquire
Chief Counsel for Judiciary Committee

John Ryan, Esquire
Minority Chief Counsel

C O N T E N T S

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WITNESSES

PAGE

Officer Fred Harran
Community Officer, Bensalem Township Police

Hal Lefcourt, APR
Executive Director
Pennsylvania Constables, Inc.

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1 Members of the Committee, thank you for giving me this
2 opportunity to comment on an issue that has been of great
3 concern. Not only has the use of unmarked police vehicles
4 and the problem of rogue or -- I'm not really happy with
5 that term, but impostor police officers as a concern to the
6 public, but also has been an issue in the police community.

7 I've been a police officer since 1987 working in
8 many capacities in law enforcement. As times have changed,
9 so have the rules that govern our actions changed. Often
10 the police find that restrictions are constantly being
11 placed on us and the tools that we use.

12 Where might we be heading with legislation such
13 as House Bill 147. While putting restraints on Title 75,
14 the vehicle laws of Pennsylvania, might seem harmless
15 enough, where do we go from there? What crimes do we stop
16 people for? Do we put constraints on Title 18, the Crimes
17 Code?

18 In the early months of 1996 I had received
19 information concerning a group of individuals that were
20 involved in armed robberies in New York City. They resided
21 in the Philadelphia/Bucks County region and were known to
22 also reside in Bensalem. I had names of suspects and
23 descriptions of vehicles involved. On April 17th I observed
24 one of the vehicles involved drop off a subject in one of
25 the locations known to us. I followed that vehicle while in

1 full uniform in a marked patrol vehicle as it left the
2 apartment in question. After a few moments I activated my
3 overhead lights and attempted to make what we refer to as a
4 car stop. The vehicle failed to stop, however, was not
5 fleeing at a high rate of speed.

6 After approximately one-and-a-half miles, with
7 the help of two other police vehicles, we were able to get
8 the vehicle stopped on the shoulder of the road. When I
9 approached the driver I asked her why didn't she stop. She
10 stated I was afraid and she didn't have to stop for police
11 until she thought it was safe.

12 Was this a reasonable response? I think it was
13 an excuse more than anything else. A police officer in a
14 marked vehicle with the assistance of two other officers is
15 reason enough to stop. If you don't stop, what is the
16 police officer to think. Does this place them and the
17 operator in even more danger?

18 Now, this doesn't happen every day, but it
19 happens more than is reported to the public. A check of our
20 records found that in recent years Bensalem has only had one
21 case dealing with impostor police officers. It involved a
22 security guard and a security jacket he was wearing. As it
23 turned out it was more a case of misunderstanding than an
24 individual attempting to pose as a police officer.

25 Unmarked vehicles are a very important part of

1 police work and are utilized every day in many ways. Some
2 uses for the unmarked vehicles are surveillance, undercover
3 operations, traffic enforcement, patrolling in areas where
4 the use of a marked vehicle would not be effective. The use
5 of unmarked vehicles and nonuniform officers often end a
6 situation before it even starts. Officers on the scene of
7 an auto theft or even a theft in progress can often make an
8 arrest before the suspects realize what has happened.
9 Plainclothes officers can get closer to criminal activity
10 than uniformed officers, thus can gather intelligence and
11 make an effective arrest.

12 What can we do to find a medium for all parties
13 involved and affected by unmarked police vehicles. I have a
14 few ideas. First, we need to educate the public on police
15 procedure. In Bensalem we hold classes twice a year at the
16 police department for adults. We discuss police procedure
17 and what's involved when police stop vehicles. We also
18 conduct classes in our middle school and high school. We
19 must not forget about the youth who have an equal stake in
20 this matter. There are many times in these classes that we
21 do role-playing exercises with the kids to show them what
22 it's like to be a police officer, marked or unmarked,
23 stopping a vehicle. It becomes very effective and they get
24 a lot of respect and they learn what a police officer goes
25 through.

1 From time to time we are also asked to speak to
2 different community groups on a variety of topics. In our
3 presentations we incorporate the policies of our police
4 officers on car stops in both marked and unmarked vehicles.

5 Not only should we educate drivers after
6 obtaining their license, but rather prior to them getting a
7 license. When I first got my license some years back, and
8 it wasn't last year, although I know I look very young, we
9 were taught what a stop sign looks like but we weren't
10 taught what to do when you're stopped by a police officer.
11 As simple as it is, it's something that needs to be
12 addressed as part of the licensing exam. For most people it
13 is a very scary and nervous situation. It is here that many
14 safety issues can be addressed with the new driver.

15 In Bensalem we work with the high school and the
16 driver's education class. We lecture on what to do when
17 you're stopped by a police officer and what he or she can or
18 can't do and what to look for in a police officer.

19 Often the press reports on incidences involving
20 impostor police officers. These stories are many times
21 blown out of proportion creating great concern, if not
22 panic, in the community. Not to say there should not be
23 concern over this, however, we need to treat every case on
24 an individual basis instead of overreacting in general.

25 It is because of this we need to educate the

1 public. Often I'm asked what should a person do when
2 they're in doubt of whether or not a person behind them is a
3 police officer. I answer them with the same instructions I
4 give my wife. If there were a real police officer in an
5 unmarked car, they will radio for a marked vehicle to stop
6 you. If it's a vehicle with just a bubble light or referred
7 to as a Kojak light, drive to the nearest police station or
8 711, anywhere where there's people or a crowd. Don't drive
9 home. This could be the worst thing you could do.

10 If they are a real police officer, they will
11 understand. If they're not, they won't follow you. I've
12 had people ask me, well, even if it's a marked police
13 vehicle, I'll keep driving until I think it's safe to stop.
14 Sometimes this could work out, but often what you perceive
15 is a safe place to stop is not a safe place for the officer
16 so he or she might direct you to another location.

17 There are those that say we'll create
18 legislation that requires a police officer to show a
19 motorist standardized police identification on a traffic
20 stop. While I feel standardized identification is a good
21 idea, having a uniformed officer produce it is not. There
22 is a major concern for an officer's safety while he is
23 producing identification. Imagine if you will a police
24 officer stopping a vehicle and the driver of that vehicle
25 asking the officer for identification and registration

1 please. The pendulum sometimes swings. But in that case I
2 think we could consider it stuck.

3 Second thing, we need to look at legislation
4 regarding the use of auxiliary lighting on vehicles. More
5 constraints should be put on the use and sale of these type
6 of lights. Just about anyone could purchase a yellow light
7 which could be easily adapted to look like a police light.

8 Throughout the Commonwealth volunteer
9 firefighters own and operate blue lights. They can be
10 easily mistaken for police lights. I'm not nor would I
11 suggest to prohibit the use of these lights among the
12 firefighter profession. I would want the volunteers to be
13 able to get as quickly and safely to my residence if need
14 be. However, I am suggesting that we issue these lights
15 responsibly and possibly by registration or permit.

16 Third, there needs to be regulation on the sale
17 and possession of police uniforms, patches and badges.
18 Currently there is no constraints on the purchasing of these
19 items, nor are they illegal to possess. Almost at every
20 flea market throughout the region an individual can obtain
21 any one of these items without any trouble at all.

22 Fourth, police departments need to have policies
23 and procedures governing the use of unmarked police vehicles
24 and plainclothes officers. In Bensalem plainclothes
25 officers usually request the assistance of uniformed

1 officers when performing search warrants and arresting
2 subjects. This policy alleviates any potential problems
3 that may arise during these procedures.

4 In Bensalem we have the following policies in
5 place concerning the use of unmarked vehicles and
6 nonuniformed officers. Please note that these policies are
7 in paraphrase form. Police units not equipped with
8 emergency lights, emergency equipment lights and sirens
9 shall not undertake an emergency response except in the most
10 critical of circumstances. Operators of these non-emergency
11 vehicles shall terminate emergency operation where an
12 emergency vehicle is in position to conduct the operation.
13 What this simply means is when there's a marked car
14 available, he'll take over the situation.

15 Second, vehicle stops by nonuniformed personnel,
16 plainclothes officers will not be made unless extreme
17 circumstances exist. For example, matters of public safety,
18 serious crimes where no marked vehicles are available,
19 nonuniformed officers may follow and monitor a subject's
20 movements until a uniformed officer arrives.

21 Third, specialty vehicles should not engage in
22 an emergency response. For example, should not respond in
23 pursuit mode. However, approximately three years ago I
24 myself violated that policy. Actually it wasn't a policy
25 yet. While assigned to bicycle patrol I attempted to stop a

1 vehicle with my bicycle. It was because of that that we now
2 have that policy. But that's a story for another day.
3 Basically our rule of thumb is unmarked vehicles do not
4 engage in motor vehicle stops and the public needs to be
5 educated on these policies.

6 Lastly, the possibility of mandatory sentences
7 should be examined for individuals that pose as police
8 officers or surreptitiously attempt to stop vehicles on the
9 highway. In 1995 Bensalem had 26 vehicles fail to stop for
10 police thus causing police pursuits. 1996 there were 22
11 similar incidences, and until September of 1997 there were
12 14 incidences. What might the numbers be if people didn't
13 think they had to stop for police or weren't sure when to
14 stop?

15 Recently we purchased two additional unmarked
16 vehicles that do not resemble at all your typical unmarked
17 police vehicle, that being a Chevy Caprice. The purpose of
18 these vehicles were to operate in an area experiencing a
19 large amount of criminal problems that were affecting a
20 community. On October 30th, 1997, commonly known as
21 mischief night, plainclothes officers were in an unmarked
22 vehicle in an area experiencing a high number of juvenile
23 problems. The officer observed a vehicle driving
24 suspiciously through the residential neighborhood. The
25 vehicle passed the officers, at which time the officers got

1 along the side of the vehicle and got out to approach the
2 suspect vehicle. One officer noticed the vehicle was
3 occupied by juveniles and the one juvenile in the rear of
4 the seat was attempting to conceal something under the
5 seat. The officer then observed the item to be a handgun.

6 They removed the subjects from the vehicle and
7 placed them under arrest without further incident.

8 I would not think the what if's if the officer
9 didn't stop that vehicle. Under Bill 147 he could not have
10 stopped that vehicle. Officers now are constantly thinking
11 to themselves can I do this or can I do that, is this a
12 situation where I can stop a car or not stop a car. Before
13 the officer runs through the possible scenarios, the car
14 would be gone and so would the juveniles with that loaded
15 gun out to do only what.

16 I'm known for strange analogies so it's not
17 unusual that I end with one. A screwdriver used improperly
18 can be a deadly weapon. However, we would not want to tell
19 a carpenter that screwdrivers were illegal to use. I would
20 rather the government legislation make him or her
21 responsible for using that screwdriver. I see House Bill
22 147 as the beginning of taking away our screwdriver.

23 Doing the job is hard enough with all the
24 constraints put upon us. I wouldn't want to live in a house
25 where bolts were not tight enough because no screwdriver

1 existed. I would want law enforcement equipped with every
2 tool possible to do the job effectively and safely.

3 Thank you for your time and letting me address
4 you on this very important issue. There are many ways to
5 approach this concern. Don't take away a very important and
6 useful tool in law enforcement.

7 CHAIRPERSON BIRMELIN: Thank you, Officer
8 Harran. People may have questions for you. I did want to
9 introduce the Chairman of the Judiciary Committee, Chairman
10 Tom Gannon, who's joined us, and our counsel -- chief
11 counsel for the committee, Brian Preski. Chairman Gannon.

12 REPRESENTATIVE GANNON: Thank you. I think the
13 problem that I see, there's two elements to it. Most of the
14 complaints and really most of the tragedy for folks stopping
15 for an unmarked vehicle which they believe to be a police
16 vehicle and is not is usually a single female alone at
17 night. It could be a waitress finishing up her work in the
18 early hours or somebody who is a nurse or works in a
19 hospital coming home early in the morning or late at night
20 and our young teenagers.

21 I think a kid in Bucks County a couple years ago
22 they had that in that part -- the upper part of the city,
23 Philadelphia Bucks County area where a fellow had these
24 young girls believe he was a police officer and ended up
25 killing a couple of them. And he was stopped, finally

1 caught up because he bought gas someplace and somebody
2 remembered his car. I'm just talking off memory, but these
3 are usually the victims. And in many instances they have a
4 horrible result.

5 Now my next issue is, and your department
6 apparently has a policy and apparently a very good policy,
7 the problem is the department next to you -- I don't know
8 what it is -- may have a very -- no policy at all or very
9 bad policy. And I think that how I would look at it is some
10 kind of statewide policy.

11 Now, the state police have a policy that they
12 use with respect to using unmarked vehicles for routine
13 traffic stops. And I think it's a very good policy. So my
14 question would be, and I don't know how this would be done,
15 through regulation or by statute, because certainly I'm not
16 inclined to say that if a police officer would stop somebody
17 and they happened to be in an unmarked vehicle and it
18 happens to be within the period of time that's prescribed by
19 the policy, but everything else is legitimate that somehow
20 he's broken the law. That's a scenario that would be
21 possible. But a statewide policy that every department
22 would have to adhere to, including the state police, and
23 then the public would know pretty much what the situation
24 was in Erie County as they would in Philadelphia that would
25 be the same.

1 So that if an unmarked vehicle was attempting to
2 do a routine traffic stop, say 3:00 in the morning, the
3 operator of the vehicle would know that this isn't the way
4 it should be done and whoever this is is more likely than
5 not not a legitimate police officer conducting legitimate
6 law enforcement. And I just wanted to get your reaction to
7 that.

8 OFFICER HARRAN: I don't think an unmarked car
9 should be making a car stop at 3:00 in the morning. There
10 will be a marked car available. Although I'm not familiar
11 with the state police's policies, I'd imagine for traffic
12 enforcement on the turnpike and major throughways they use
13 unmarked cars in order to catch speeders whatever time it
14 might be. So it probably would be a little different with
15 the state police.

16 But any municipality, whether it be in
17 Philadelphia or Pittsburgh or a small municipality, I don't
18 think maybe they should use unmarked cars or not to make it
19 illegal though, but they should have policies instead,
20 in-house policies and not an amendment to Title 75.

21 In the case with 147 that search could maybe be
22 suppressed where the officer with a gun on mischief night
23 because he legally should not have been able to make that
24 car stop because it didn't meet any one of those -- I
25 believe there are 13 criterias for 147.

1 You test police officers and hopefully they're
2 educated enough that they know right from wrong. And it's
3 not always true in every case, but I wouldn't want the state
4 to put constraints this is black and white you cannot stop a
5 vehicle under these circumstances because you're taking away
6 a very powerful tool.

7 I do agree that these women, and as I said, I
8 give my wife the same instructions, don't stop for an
9 unmarked car. If it's a real police officer he will get a
10 marked car. And police officers respect that and they
11 understand the problems that go with that. If it's not a
12 real police officer, he will veer off and go somewhere
13 else.

14 I don't have a problem with internal policies.
15 We do have internal policies. And maybe most police
16 departments need to look at that to avoid situations like
17 147. And where it's not so much 147, but where 147 could
18 lead us to is what potentially worries me.

19 As I said, I had heard in the press sometime
20 back about uniformed officers showing identification. It's
21 ludicrous. The safety for officers to show the motorist
22 identification is just ridiculous. Now, if it's a
23 plainclothes officer, by all means they must show
24 identification. But an officer in full uniform in a marked
25 patrol vehicle, that should be enough.

1 One of the other problems too that I mentioned
2 is any flea market in the Commonwealth on a Saturday you'll
3 find some merchants selling police patches and badges
4 because somebody moved and their father was a police officer
5 and they sold it and now they're selling it at a flea
6 market. This needs to be regulated. That's a dangerous
7 thing for anybody to be able to purchase a police patch or a
8 police badge.

9 Somebody had made a comment to me that maybe the
10 state wants to regulate uniforms, that we all have one
11 uniform throughout the state and this is it, and security
12 and fire police they're not allowed to wear that uniform.
13 You're talking an unbelievable expense to individual
14 municipalities. For us there's 83 uniformed officers. My
15 boss probably would be jabbing me making that statement.
16 But that's somewhere -- that would be somewhere to go.

17 But I definitely understand the concern because
18 my wife also comes home at midnight through a neighborhood
19 I'm not very crazy about and I tell her, you don't stop for
20 anybody and you don't go home, that's the worst thing you
21 could do. You go to 711, anywhere where there's people.

22 REPRESENTATIVE GANNON: This issue has placed us
23 on the horns of a dilemma because certainly no one
24 has -- the problem isn't the legitimate police officer in an
25 unmarked vehicle stopping somebody and committing a crime.

1 The problem is the person who is purporting to be a police
2 officer in an unmarked vehicle that stops somebody just
3 because they happen to be, for example, a single female
4 driving home from work at midnight or 1:00 in the morning
5 and then being a predator causing a terrible result.

6 The unfortunate consequence is that how do we
7 get it so that, A, there's a consistent policy statewide for
8 every police department and, B, that the public knows what
9 that policy is so that that young lady driving home, if it's
10 a police car or somebody in an unmarked vehicle, she would
11 know that I know that the policy of this Commonwealth is
12 that unmarked vehicles don't do traffic stops at 1:00 in the
13 morning.

14 Now a marked vehicle, sure, if it's local police
15 or state police. And how do we get to that point is what
16 we're trying to wrestle with now and through this
17 legislation and other bills and through these hearings.

18 OFFICER HARRAN: Two things I think. One is
19 with anything you need to educate -- we need to educate the
20 public. And we do it by many ways in the schools and with
21 the adult community and with the press. We need to tell the
22 public what the proper procedures are and this is not
23 reasonable, a police officer would not do this.

24 I imagine somewhere the state can mandate a
25 certain internal police policy. We have currently all

1 police officers in the Commonwealth with the exception of
2 the state police are required to go through their two days
3 of inservice training the legislation -- the MPOETC board
4 comes up with. If they can control this, I don't see why
5 there wouldn't be some way to control some type of internal
6 policies. Internal polices are great for that situation,
7 but it's got to be an internal policy and not a law and
8 education of the public.

9 Can you mandate every police department to
10 educate the public, I don't know if you can or can't. We do
11 the best we can. Maybe you can, but whether it would be
12 done properly or not is another question. You know, you can
13 lead a horse to water, but you can't make him drink. I hate
14 to coin an old phrase. But I definitely believe in
15 educating the public. They have to know, especially the
16 group that's targeted, the single female alone at that
17 time.

18 I know this has been the big concern over the
19 Amy Rhode case, and I think that happened in broad
20 daylight. They were unsure of why she stopped.

21 REPRESENTATIVE GANNON: It was early morning.

22 OFFICER HARRAN: It was early morning. I know
23 that there's concern that they think she had stopped for a
24 fake impostor police officer. Should not have stopped but
25 consequences are drastic and permanent. It's something that

1 needs to be addressed definitely for safety issues.

2 REPRESENTATIVE GANNON: I have a young
3 daughter. It's awfully difficult for me to tell my daughter
4 if you're pulled over by the police, don't stop.

5 OFFICER HARRAN: Well, it's not police per se.
6 An unmarked -- and officers know this, at least they do in
7 Bensalem, that a person -- it's not unreasonable for a
8 person to continue to drive to a safe area if it's an
9 unmarked car. We don't do it. Our unmarked cars don't stop
10 vehicles. Bottom line, we just don't do it because there's
11 so many problems not only for the person being stopped but
12 the officer. They might think maybe it's not a real police
13 officer and take aggressive action towards him. So there's
14 a problem there so we just don't do it.

15 But you have to get other departments to go
16 along with that. And I would tell your daughter don't stop,
17 the same thing I tell my wife, don't stop for -- you know,
18 for an unmarked car. You drive to an area where there's a
19 711. If it's a real police officer, he has a radio and
20 he'll phone or radio for a uniformed officer to assist.

21 We do it every day, but to make a law like this
22 in the first case that I talked about where it was -- I was
23 the office in question, I was in full uniform in a marked
24 patrol vehicle and the suspect relayed to me, well, I get to
25 pick the spot. No. Especially under the information that I

1 had that they were armed suspects from New York City, that
2 they had been committing robberies throughout the city.

3 So they're not going to control that situation,
4 I will. But this person was using an excuse of safety.
5 It's not a reasonable person to think -- it wound up to be
6 three police cars, officers in full uniform in a marked
7 vehicle. They're not impostors. It's the real deal.

8 REPRESENTATIVE GANNON: Maybe suppose we just
9 had a statute that said you cannot use unmarked vehicles for
10 routine traffic patrol?

11 OFFICER HARRAN: I think you're opening a door.
12 Who's to determine? I think we're opening doors for
13 suppression issues when we get into court when officers make
14 car stops and who's saying that's routine, that's not
15 routine, 12 jurors, a judge? I think you're opening a
16 dangerous door here.

17 As I said, under 147 that arrest, that gun would
18 be suppressed that transpired on mischief night. Officers
19 have enough things -- not that this isn't important, but
20 there's so many situations that they run through in a matter
21 of seconds this is just -- does this fit under this bill or
22 am I allowed to stop. It was an emergency situation. The
23 common person would think it's not a big deal, kids driving
24 through a neighborhood. Something didn't seem right to
25 these officers and they took appropriate action in an

1 unmarked car that wasn't even a typical four-door Chevy
2 Caprice. There's no way it resembled a police car.

3 That's what worries me about a law such as this
4 as now there's a law on the books and now we'd be violating
5 this so evidence could be suppressed at later dates. It's
6 just one more constraint on the officer.

7 I think the way to go, as I talked about, is the
8 education. We have to do that and policies. Those are the
9 two biggest things that we need to get policies in place
10 such as Bensalem does and other municipalities and we need
11 to educate the public such as a lot of municipalities do.

12 REPRESENTATIVE GANNON: Thank you.

13 CHAIRPERSON BIRMELIN: Representative
14 Caltagirone.

15 REPRESENTATIVE CALTAGIRONE: No questions.

16 CHAIRPERSON BIRMELIN: Counsel Preski.

17 MR. PRESKI: I guess just a couple of questions,
18 Officer. The first one I guess is this, what happens to
19 someone who does allude a police officer. Assume you go to
20 pull someone over, you're in an unmarked car and then they
21 having not gone through red lights or anything else, what
22 then do you do or what's the charge brought against them for
23 that?

24 OFFICER HARRAN: And there's no marked vehicle
25 involved?

1 MR. PRESKI: Yes.

2 OFFICER HARRAN: No marked vehicle.

3 MR. PRESKI: Assuming no. Assuming it's an
4 unmarked car, lights -- you know, the blue dome light comes
5 on, they don't pull over, it's someone -- it's not my wife
6 who wants to drive to the 711, but it's a criminal who wants
7 to get away and he attempts to or she attempts to use this
8 under the guise of safety to get away, ultimately they run
9 out of gas and you're able to pull them over, what's the
10 charge that you bring there?

11 OFFICER HARRAN: In that case it would all take
12 place and the -- if the vehicle finally got stopped and it
13 was somebody's wife or daughter or just an innocent person
14 that was afraid and an officer had this happen, if it was a
15 true life criminal, they could be charged. And I don't have
16 the section in front of me. It's the fleeing and alluding
17 section of Title 75.

18 MR. PRESKI: Okay.

19 OFFICER HARRAN: And they could be charged under
20 that for fleeing and alluding. Again, it would be up to the
21 officer to determine the circumstances of the individual's
22 fleeing. If it was the lone female and she wound up pulling
23 into a 711 from Bensalem, that would be fine. If she
24 decides to keep driving to Buckingham, there's a problem,
25 some 40, 50 minutes away.

1 It's all what a reasonable person would do. And
2 you have to leave a lot of -- it's a judgment call for the
3 officer. But if it's a criminal, they're going to be
4 charged with the fleeing and alluding section. Again I
5 don't have the section in front of me. I'm not even sure
6 whether it would fit because of the unmarked car. But in
7 that case I can't foresee a marked car not being involved.
8 It's an unbelievable what if.

9 MR. PRESKI: I'm trying to get more toward the
10 policy I guess. The reason why we're here and the reason
11 why we're having the hearings and to expound on what the
12 problem here in Pennsylvania. In Representative Gannon's
13 district, we're in Media where you have a 711 on every fifth
14 corner and you have a well-lighted area. In Representative
15 Caltigarone's, Representative Birmelin's area, you might not
16 have a 711 for 25 miles. If we do this by policy and
17 regulation of the individual police department, the problem
18 we run into from a legislative or lawmaker's standpoint is
19 when does reasonableness end. Does a police officer out in
20 Warren County have to follow somebody for 25 miles before
21 they get to the next well-lighted area? Does someone who's
22 in Philadelphia County have to wait until the next 711 comes
23 up?

24 I think the reason that -- I guess where my
25 question ultimately is going is do you think in your opinion

1 maybe it's better if we take that statute, the alluding
2 statute, and write something in there perhaps then it would
3 be a defense to a citation issued for alluding if someone
4 proceeded to the next well-lit area or the next police
5 station or something else like that? Because we need to
6 have application across the state and that's one of the
7 concerns. I'm sure even in Bucks County you have certain
8 areas of the county where you could drive forever before you
9 come to an area.

10 OFFICER HARRAN: Yeah.

11 MR. PRESKI: Do you have any comments on that?

12 OFFICER HARRAN: I don't know if I have a
13 problem with adding a section into the 3733, the fleeing and
14 alluding section with that. Again, we can always do what
15 if's. I don't know where it would take place, where there
16 would not be a marked vehicle. Even in the upper parts of
17 the state where there's a police officer for a hundred miles
18 I would hope that that police department would patrol in a
19 marked car, not an unmarked car.

20 So in that case, and especially in such a
21 secluded area it would be unreasonable -- it would be
22 reasonable rather for a subject to continue on until a
23 crowded area. I would think that would be okay.

24 MR. PRESKI: I guess one last question then is
25 from Bensalem Township's point of view what particular

1 reasons do you use your unmarked cars for? What I'm trying
2 to get at, I assume that your practice would be pretty
3 standard for a midsized township or midsized county what
4 they can use them for also.

5 OFFICER HARRAN: The unmarked cars are used for
6 surveillance in high crime areas, in particular this time of
7 year we experience a large amount of robberies. Unmarked
8 cars would be used for surveillance in shopping centers.
9 They would also be used for undercover operations. Although
10 we don't do it, but I imagine the state police for traffic
11 enforcement. We don't use unmarked cars for traffic
12 enforcement details. And patrolling in high crime areas,
13 problems where a marked car would just stick out. A Chevy
14 Caprice with no lights on top with a little antenna still
15 looks like a police car. So that's what the unmarked cars
16 are used for.

17 When they come across an individual where they
18 need to take action, if time is allowed a marked car will
19 proceed in. If they can follow the suspect vehicle, a
20 marked car would be the car that engages and institutes that
21 traffic stop on that vehicle. So our marked cars -- as a
22 matter of fact our unmarked cars aren't even equipped with
23 the bubble lights because they don't engage in car stops.
24 They don't have sirens or lights in them.

25 MR. PRESKI: I guess one last question. The

1 fear that we have heard in the committee about allowing this
2 to go to individual police department regulation or rules on
3 how you handle car stops is that ultimately you're going to
4 get an officer in a car who tries to pull someone over for a
5 minor traffic infraction, the person then proceeds to the
6 well-lighted area which is four miles away and that upsets
7 the officer. What kind of training do you have or do you
8 have any comments on that kind of situation how it -- how
9 the legislature can either deal with that type of problem or
10 even address it?

11 OFFICER HARRAN: They can incorporate that. I
12 imagine legislation can incorporate that type of training in
13 mandatory in-service training where I have individual
14 training on car stops, felony and regular car stops. And
15 it's something that officers maybe could use some training
16 in and some sensitivity training as far as the lone driver,
17 you know, so as the individual -- the officer would not
18 overreact in a situation. Because you're right, it would
19 infuriate the officer, and it's dangerous for the person to
20 pick the spot where they want to stop.

21 However, in a situation like that where it's a
22 711 or a well-lit area and it's the lone driver, it's not
23 unreasonable. I think that most officers would agree with
24 that that it's not unreasonable. Again, the officer would
25 not engage in a car stop in the unmarked car. That's my

1 point.

2 I'd imagine you can institute policy or have
3 individual police departments institute policy regarding car
4 stops. My concern is making it -- putting it on the books
5 as a statute there's problems because now when a good car
6 stop or good police work is done items could be suppressed,
7 officers could be held accountable on that and they might be
8 more hesitant to take proper action. And in the case that I
9 talked about, a juvenile with a gun, would have continued
10 throughout the night on mischief night which I think we can
11 all agree is a dangerous thing.

12 MR. PRESKI: My third and last question is that
13 I assume none of this works if the public isn't educated
14 then?

15 OFFICER HARRAN: Right. The public has to be
16 educated. And again I say we do it, we do two trainings.
17 We train the public twice a year on a variety of police
18 policies and procedures, and we're in all our middle schools
19 and high schools. We do a lot of training. We spend a
20 whole day actually on police car stops where I believe I
21 spoke earlier where we actually do role-playing with the
22 kids where we let them be the police officer and let them
23 see what it's like to stop that car and what it's like to
24 walk up on a car when you can't see somebody's hands or know
25 what's going on.

1 And it's very interesting, the results that you
2 get, especially with the kids who before the exercise have
3 one perception and after the exercise have a totally
4 different perception.

5 And you need to utilize the media as well.
6 We're quick to talk about the cases of the impostor police
7 officers, but they never do follow-ups. We need to do
8 follow-ups on this is what to look for and this is what not
9 to look for. And with that type of education I think a
10 reasonable person will make the right decision and hopefully
11 the police officer will do that too.

12 MR. PRESKI: Thank you.

13 CHAIRPERSON BIRMELIN: Chairman Gannon.

14 REPRESENTATIVE GANNON: Suppose you had a
15 scenario like this where it's 1:00 in the morning and a
16 young lady is driving home from work and all of a sudden she
17 sees a flashing light in the rearview mirror and cars behind
18 her flashing the lights and she decides, well, I'm not going
19 to stop here, I'm going to drive to the 711, which may be a
20 mile or two away or some area that she knows to be lighted
21 or there's going to be people around, and she does that and
22 it turns out it's a legitimate stop. Under current law
23 could she or that person be charged with attempting to
24 allude, to attempting to flee or whatever the statute?

25 OFFICER HARRAN: I don't have the current law in

1 front of me, but I believe it reads somewhat that the
2 officer would have to display visual and audible signals.
3 Now, the bubble light or the one-tier light would be
4 considered visual, and if that car is equipped or not with a
5 siren it could be considered audible.

6 However, one thing great about our country we
7 have a judicial system, and hopefully if it got that far the
8 twelve reasonable people would dismiss that case or the one
9 reasonable judge if it was a trial by judge would discharge
10 that case. I would hope that it would never get that far.

11 The case that I talked about regarding myself,
12 there was no if's, and's or but's about it. She was
13 attempting to flee in a marked car. It wasn't an unmarked
14 car. If it was an unmarked car, the area where she stopped
15 was reasonable for me not to charge her with fleeing and
16 alluding and even knowing the background of the individual
17 involved I most likely would not have charged her because it
18 was not a well-lit area where I engaged in that traffic
19 stop.

20 REPRESENTATIVE GANNON: Again I guess the answer
21 is yes, the charge could still be made whether it was
22 reasonable or unreasonable certainly because the person
23 didn't stop. What I'm getting to and is running through my
24 mind is the possibility of some type of an affirmative of
25 defense. Right now it would depend upon the good graces of

1 the officer, well, you really weren't trying to allude me,
2 but, you know, it might be the end of his shift or he just
3 had a bad day, be in a bad mood, I don't care, I'm going to
4 give you alluding an officer.

5 Then you get before the district justice, which
6 is where probably most of these would go, and you've got the
7 district justice, he says, yeah, you really weren't trying
8 to allude. But you're really -- you know, the law says you
9 heard an audible sound or saw a light, you have to pull over
10 immediately. I'm just wondering if maybe perhaps an
11 affirmative defense was put in that somebody would come in
12 and say, yes, I'm entitled to this defense and I drove to a
13 lighted area and I didn't accelerate, I didn't go from 60 to
14 90 miles an hour, as soon as I found an area that was
15 reasonably lighted or had some other people around I did
16 pull over and therefore that's a defense and I've shown that
17 and therefore it's not -- the law says I'm entitled to being
18 exculpated.

19 OFFICER HARRAN: Two comments I have. First is
20 I know that an officer cannot issue citations unless they
21 are in full uniform so that would solve that problem. But
22 the officer would not be able to issue a citation unless
23 they were in full uniform. That's one.

24 The second thing is it's dangerous. It's
25 also -- what you concede to be a well-lighted area might not

1 be what I concede to be a well-lighted area, and how do you
2 prove this in court, was a light bulb on that day, was the
3 light bulb off that day. There's a lot of if's also for
4 court.

5 But the first part of that statement was you
6 have to be in full uniform to issue a citation so it
7 wouldn't be a legal citation.

8 REPRESENTATIVE GANNON: Thank you.

9 CHAIRPERSON BIRMELIN: Officer Harran, we want
10 to thank you for your testimony and your answering the many
11 questions that we have. I appreciate you're coming here.

12 OFFICER HARRAN: Thank you for your time.

13 CHAIRPERSON BIRMELIN: The next testifier is
14 scheduled to be Miss Donna Pollick, deputy constable from
15 Ford City, Pennsylvania. She has not arrived yet and is not
16 scheduled until 2:00 so we're just going to sit here and
17 recess for a few minutes until our next testifier gets here
18 hopefully by 2:00.

19 (Recess was taken from 1:50 until 2:00 p.m.)

20 CHAIRPERSON BIRMELIN: Our next witness is Hal
21 Lefcourt, Executive Director of the Pennsylvania Constables,
22 Inc. He resides in Levittown and though he is our 2:30
23 testifier, neither the 1:30 nor 2:00 testifiers are here
24 with us so since you're here you get to go. And we could
25 encourage you to share with us on the House Bill 147 that we

1 have the public hearing on today.

2 MR. LEFCOURT: I certainly want to thank the
3 chair and the members of the committee for allowing Hal
4 Lefcourt to come here. I just got back from San Anton with
5 a constable problem down there and I represent constables
6 nationwide.

7 I'd like to tell the group here this afternoon
8 that we're number one in the nation right here where I sit.
9 The Pennsylvania State Constables Association was organized
10 here in the County of Delaware in 1971. Thirteen constables
11 from three counties, Bucks, Montgomery, and your county
12 right here, Delaware. Judge Catania, I remember that name,
13 he pushed us, Governor Shapp and the state police
14 commissioner.

15 Since then many things have happened. In 1973
16 we founded the National Constables Association. It got its
17 initial name as the National Police Constables Association.
18 You may not know this, but the position of constable in
19 America is the heritage of all law enforcement. Every
20 police officer, state police, no matter what, in this nation
21 got their job duties and responsibilities from that of a
22 constable.

23 And now we're in the process of trying to crash
24 through the line like a fullback. See, the constable has
25 implemented the common laws of our nation, common laws back

1 in colonial days, and he gave away his job. He was a
2 volunteer.

3 Then there was an organized police department,
4 and that's where the money started to flow as the constable
5 would put it. But they're their own worst enemy because of
6 that, constables. Now they're looking like a fullback to
7 crash into the line to give a well-deserved rebirth of the
8 status of a constable in this country.

9 I have the opportunity to tell you this
10 afternoon that if you should latch on to what I have to
11 present to the legislature, the House and the Senate and the
12 Commonwealth of Pennsylvania, we will lead the way
13 nationwide to bring back to taxpayers of this nation the
14 most cost-effective, income-producing agency of law
15 enforcement. And I can tell you right now that even in your
16 county here never has there been a meeting any month, any
17 week of all the agencies of law enforcement to sit down and
18 tell each other what are we doing that's right for the
19 people. Are we overlapping our turfs? Are we doing the job
20 the taxpayers expect?

21 So I'm giving you an opportunity I hope this
22 afternoon, everyone the opportunity to read a Pulitzer prize
23 and listen how just a little bit. I'm 74 I worked for a
24 governor back here in '58. I founded the State Employees
25 Recreation Association under Governor Lawrence, and now I'm

1 a Republican after 54 years. I have to tell you that
2 because that's my history.

3 And may I read this and then answer any
4 questions you may have that I can very capably answer.

5 May I thank the chair and the committee for
6 affording me the opportunity to testify on identifying
7 lights on law enforcement vehicles particularly for elected
8 employment constables. My fear is the subvention of the
9 National Constables Association the national professional
10 voice of the constable system in the United States, the
11 PCI's, an outgrowth of the initial Pennsylvania State
12 Constables Association, PSCA, founded in Bucks, Delaware and
13 Montgomery Counties in 1971.

14 Our president, Constable William Tuthill of the
15 Township of Bristol in the County of Bucks on behalf of the
16 board of directors has asked me to convey the consensus of
17 the leadership and those working constables within the PCI.
18 Constable Tuthill states under the present statute the scope
19 of the duties and responsibilities of the position of
20 constable does not require any kind of a specific light to
21 grace a vehicle operated by an elected or appointed
22 constable.

23 Sheriff Larry Michaels, the popular sheriff in
24 Bucks County, agrees and has opined that neither the
25 constable nor the sheriff have need for lights on their

1 vehicles. However, Policy Chief Tommy Mills of the second
2 largest first class township in the Commonwealth of
3 Pennsylvania has stated, state and municipal law enforcement
4 personnel should wear identical uniforms and vehicular
5 lights designed alike, the same statewide.

6 Obviously the content and the duties and
7 responsibilities of a constable should determine whether
8 there is a need for a constable vehicle to be designated
9 both as an emergency vehicle and provided with identifying
10 emergency lights. Such a network would indicate their
11 presence and their need for a quick response to a request
12 for instant assistance.

13 The constable system employed and statuted in 38
14 states amongst the 2538 counties in the United States enjoys
15 official emergency lights on their vehicles. In all of
16 these states the constable provides for his own vehicle.

17 With the aforementioned awareness may I add
18 vehicular lights would be necessary under two proposals
19 offered by the National Constables Association. One, a
20 police constable buddy system and, two, a county government
21 administration of the constable system.

22 Under these proposals for vehicular lights would
23 include, one, speed checks, which presently require two
24 police vehicles and at least patrol persons at substantive
25 cost to the taxpayers. A, the staff would include two

1 constables paid on an hourly basis and two constables'
2 vehicles at no cost to the taxpayers. Two, fire police
3 responsibilities at the scene of actual fires that may be
4 happening, traffic responsibilities, which Scotland Yard has
5 been doing for the past 26 years in the country of England.
6 The citizenry provides such noncriminal services all these
7 years for law enforcement. Accident presence and reporting
8 when authorized by the police departments, transportation of
9 defendants in criminal cases to arraignments and to prison.
10 Security protection responsibilities at locations within the
11 local industries, businesses and professional locations.
12 Community events such as parades and other happenings.
13 That's when a constable would enjoy and should have the
14 presence of lights on his vehicles.

15 We perform none of these duties in the
16 Commonwealth of Pennsylvania. Everything that a constable
17 does at present in the Commonwealth of Pennsylvania has been
18 statuted by the legislature in every way and they should be
19 coming to you with these requests which will be
20 totally -- totally in support of the constable when -- and
21 the taxpayers. When a constable performs an activity, a
22 process such as serving warrants, services of arrest, the
23 defendant pays fee and mileage. The only time the county
24 would pay for the use of a constable is when they arrest an
25 indigent individual who cannot pay thereby the county pays

1 the fee of the constables.

2 Constables bring in in every county in the
3 Commonwealth thousands by thousands of dollars which are
4 then for the most part turned over to the Commonwealth of
5 Pennsylvania rather than to the local municipalities. If
6 the situation were relaxed a little bit, you'd be able to
7 train constables in most of your counties in the
8 Commonwealth, at least 21 of them.

9 I might add that right now there's an escrow in
10 the Commonwealth of millions of dollars that the constables
11 had collected and this state is the only state in the nation
12 that has founded a Governor's Commission on Crime and
13 Delinquency. This legislature, you individuals especially,
14 and I have to add this because it's not part of the ball
15 game, but believe me, please believe me, you would eliminate
16 all unemployment in the Commonwealth of Pennsylvania if you
17 employed and expanded the duties and responsibilities of a
18 constable -- returning members of the armed forces who are
19 not working, unemployed men and women can be trained and
20 made all deputy constables hired by the constable which the
21 Commonwealth allows.

22 Only the constable can employ a deputy if his
23 job load involved more work. He can hire all the deputies
24 he has need for with the okay usually of the president judge
25 of the county.

1 Now, with the new commission you have, the
2 commission would like to eventually take over all these
3 responsibilities of a constable and they shouldn't do that.
4 That should be left in my opinion nationwide as it is to the
5 county commissioners who in Pennsylvania don't want anything
6 to do with the constable. And I don't blame them because
7 right now a constable is not a professionally trained
8 individual.

9 But you started the ball rolling with the
10 commission. They're being trained, they're being educated,
11 and you're going to have a new constable in the Commonwealth
12 of Pennsylvania leading the nation. Because I travel the
13 nation and this position above all others in law enforcement
14 is the hallmark for all the people of this country.

15 Thank you very much. Any questions? I skipped
16 the field I know, but what am I going to do.

17 CHAIRPERSON BIRMELIN: Representative Gannon.

18 REPRESENTATIVE GANNON: Just a quick question.

19 You say here that constables -- a couple of states that
20 constables are not required any kind of specific lights for
21 their vehicles. Is that -- in other words you're saying
22 there's no statute that requires them to have any kind of
23 lights on their vehicles?

24 MR. LEFCOURT: Constables maintain -- they're
25 under the old motor vehicle code, they are allowed to have

1 lights on their vehicles. There's been questions to that
2 from various county DA's and part of the administrative
3 office of the Pennsylvania courts you see. But what they
4 need to know and what you need to know is that right at this
5 point in our lives here in the Commonwealth there's no need
6 for a constable vehicle to have lights because he has no
7 duties that would require it. And we say there are at least
8 six duties here in the Commonwealth you could give them that
9 would require a light on their car. That's when they work
10 under the leadership of a police chief and they perform
11 responsibilities such as I mentioned.

12 A chief of police in the Township of Bristol in
13 1993 told us, and it's not a good analysis to give you, but
14 he said that if constables had the responsibility to do
15 speed checks to protect the public from speeders, drunken
16 driving, everything, in a township that he is the chief of
17 police -- and he's since retired -- he could bring in a
18 quarter of a million dollars just on those kinds of
19 violations which people ordinarily don't like to be charged
20 with. You see what I mean, they don't like to be stopped
21 for speeding or for drunken -- whatever. But if that
22 responsibility was a service to the people of the
23 Commonwealth which everyone would support, your media,
24 everybody would support it on behalf of your people, that
25 would bring you in that one little incident -- please

1 believe me, just one item like that, millions of dollars
2 across the Commonwealth of Pennsylvania.

3 And who would be doing the work -- formerly
4 unemployed men and women trained as deputy constables once
5 they get appointed they got the power of a constable and
6 they work under the employment of the elected constable who
7 according to the statutes in Pennsylvania can take 25
8 percent of the income of that constable -- the deputy by law
9 but most of them do not do that at all. They operate as a
10 constable for the elected constable. I hope I answered your
11 question.

12 REPRESENTATIVE GANNON: Yeah. Constables wear
13 uniforms then?

14 MR. LEFCOURT: They have an option to wear or
15 not to wear uniforms, and that's all over the country. They
16 use their judgment. When they're going on a house call to
17 pick up somebody on any minor charge, they don't wear
18 uniforms. They like to just go knock, introduce themselves
19 with their card so that neighbors are not all of a sudden
20 alerted to a uniformed law enforcement individual. It
21 depends upon the humanity and the nature of the work
22 involved.

23 But they do wear uniforms, and what's terrible
24 here in the Commonwealth -- I don't know what witnesses you
25 had here today, but I appeared in September before a Senate

1 committee and sitting behind me were all kinds of law
2 enforcement people, and I might say there were some
3 constables from the County of Beaver who were wearing the
4 same identical uniform as a state policeman. And sitting in
5 another row behind me were three state policemen. The same
6 uniform, a gray uniform, ten-gallon hat. Wrong. Wherever
7 you go wrong, but how do you change it?

8 We got constables in counties in the
9 Commonwealth, 66 counties that use the system, the County of
10 Philadelphia does not. Twenty-six years ago they dumped the
11 constable system because the constable ran away with two
12 million bucks and they blamed the constable, you know. It
13 wasn't the constable. He got away because there was no ball
14 game, there was no supervision, as there is none now, no
15 accountability. And we want accountability nationwide.

16 And in the sunshine states, let me tell all of
17 you, they carry guns on each hip and they assist law
18 enforcement and they do a fantastic job. They're the
19 closest thing to the people. Their ear is house to house.
20 It is so beautiful.

21 And I might say once again, the Commonwealth of
22 Pennsylvania, number one, and it's bad.

23 REPRESENTATIVE GANNON: Thank you.

24 CHAIRPERSON BIRMELIN: Representative
25 Caltigarone.

1 REPRESENTATIVE CALTAGIRONE: No questions.

2 REPRESENTATIVE BIRMELIN: Counsel Preski.

3 MR. PRESKI: One question, Mr. Lefcourt. Can
4 you tell me exactly what are the duties -- educate me I
5 guess. What are the duties here in Pennsylvania and how do
6 they differ between those generally in the other states?

7 MR. LEFCOURT: A constable is a two-headed
8 eagle. He works for the judicial branch of the government
9 and he works for the executive branch of government. Right
10 now all over the country most of his responsibility might be
11 2 percent are judiciary and the rest is executive. The
12 county commissioners all over the country.

13 We were going to honor you, sir, one year, and
14 there was some kind of a problem. I don't remember what it
15 was, but I remember your name. You were doing such a
16 fantastic job we were coming after you. I don't remember
17 even what year it was, but I remember the name.

18 But that's what a constable does. He -- right
19 now in Pennsylvania everybody as of November 1st in the
20 Commonwealth all the constables who were serving the system
21 were grandfathered in to November the 1st of this year. As
22 of November 1 they have to take a qualifying exam under the
23 Governor's Commission on Crime and Delinquency and they
24 become judicial constables.

25 The other constables don't have to take the

1 exam. They can be municipal constables. But the county
2 commissioners like the chairman or the head of the
3 Pennsylvania Association of County Commissioners has a chap
4 from Lancaster, Mr. Chairman, when I called him up -- he had
5 his convention here in Philadelphia. I call him on the
6 phone. I said I'd love to meet with you about constables in
7 the Commonwealth of Pennsylvania. And he said, Mr.
8 Lefcourt, that's the lowest priority on my agenda. Those
9 constables are so bad they don't know who the hell-- excuse
10 me, ma'am -- they don't know who their leadership is, one
11 month to the next they got a different president.

12 And I said, sir, I can't agree with you more,
13 bless you, but let me meet with you. I want to give you a
14 chance to win a prize because I say this -- and I'm
15 frustrated, with the governor of Texas I'm frustrated, with
16 the governor of Michigan I'm frustrated. They all agree
17 it's fantastic. But you know what happens, number one,
18 they're their own worst enemy is the constables, and number
19 two, colleagues of ours like the FOP, they think we want to
20 take their jobs away. They think we want to prevent
21 communities from hiring police.

22 And yet in the past three years you've lost 56
23 police departments in the Commonwealth because the people
24 can't afford to pay. And here you got constables laying,
25 6,000 of them, nobody knows you got 6,000 if you don't mind

1 because there is no list in the Department of State in
2 Pennsylvania, nobody knows. The county clerks should be
3 reporting vacancies, additions, whatever. It doesn't
4 happen.

5 That's why we need a professional structure.
6 And you people, you fellows -- you fellows, you don't mind
7 I'm 74 -- you fellows can do it. And it is so simple to do.

8 Now you know what a constable is. He could do
9 so many services for county commissioners you can't believe
10 it. Tax delinquency notices, name it, name it. When a
11 policeman goes to pick up an individual at his home it costs
12 the taxpayers \$118. If the constable did it, the defendant
13 pays.

14 So I ask the question in what county, in what
15 town in the Commonwealth of Pennsylvania have you ever seen
16 a meeting of all agencies of law enforcement sit down and
17 say how can we better serve the community. And I got a
18 ten-dollar bill that says it hasn't happened in any of your
19 counties. And I'm not being too critical, just factual. I
20 appreciate your opportunity to let me stray afar.

21 CHAIRPERSON BIRMELIN: I just had one other
22 question, Mr. Lefcourt. I'm curious what the initials APR
23 mean after your name.

24 MR. LEFCOURT: Well, accredited public
25 relations. I am the past president of the Philadelphia

1 Chapter Public Relations Society of America housed in New
2 York City. There are 18,000 men and women in the country
3 who are APR's by accreditation. I got my accreditation at
4 the Annenberg School of Communications at the University of
5 Pennsylvania in 1969.

6 CHAIRPERSON BIRMELIN: That explains why you're
7 such an avid proponent of constables.

8 MR. LEFCOURT: Oh, I was a tax collector. I was
9 stealing -- I'm sorry. I was a constable. Let me tell
10 you -- may I tell you how it happened? I was tax collector
11 in the Township of Bristol. And I said to myself what am I
12 doing here. I'm getting a duplicate from the county and I
13 duplicate the duplicates and I make up tax bills and my
14 office sends them to all the people. And I'm getting paid
15 by three different groups. I'm making -- when I use the
16 word stealing -- I'm making \$50,000 a year, county, township
17 and the municipality -- county, school and municipality, and
18 I'm saying what am I doing? It's crazy.

19 So the Inquirer gets ahold of me and naturally I
20 get written up in a beautiful Philadelphia Magazine because,
21 you know, I don't need the money but I'm the tax collector.
22 And I said there's no need for tax collectors in the
23 Commonwealth of Pennsylvania. In Bucks County it cost a
24 million dollars, 180,000 tax items, a million dollars.

25 Nobody cares. No need. The county is equipped.

1 They got computers, they got everything in the world to do
2 the job. They got the duplicate and everybody sits and
3 watches and listens, and Lefcourt says, well -- I got a
4 nephew who's a rough kid. I got a nephew just elected the
5 president -- national president of the National Association
6 of Criminal Trial Defense Lawyers. He was Dan Rather's
7 legal counsel on the O.J. trial for a year on CBS,
8 represented the Black Panthers, still does, represented Abby
9 Hoffman. That's Gerry Lefcourt. And he said to the uncle
10 how could you turn Republican. That's what he said to me.

11 I was trying to change the government. Bad
12 scene. I tried. I got many more votes than the registered
13 Republicans, 73 Republicans. I got 207 votes in Tullytown
14 and we got \$22 million from a waste management facility that
15 we got. You can't believe what's going on. But that's the
16 point.

17 CHAIRPERSON BIRMELIN: Mr. Lefcourt, we thank
18 you for an extended definition of APR. Thank you for your
19 testimony as well.

20 Not seeing our other two testifiers, we're not
21 going to wait for them. This meeting is recessed until
22 tomorrow at 9:30 a.m. in Harrisburg in the Minority Caucus
23 room.

24 This hearing is adjourned for today and it will
25 be day two of the public hearing held tomorrow.

(Whereupon, the hearing adjourned at
2:27 p.m.)

* * * *

C E R T I F I C A T E

I, Karen J. Meister, Reporter, Notary
Public, duly commissioned and qualified in and
for the County of York, Commonwealth of
Pennsylvania, hereby certify that the foregoing
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Dated this 3rd day of January, 1998.

Pamela L. Packer
Pamela L. Packer - Reporter
Notary Public

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