



# **BENSALEM TOWNSHIP POLICE DEPARTMENT**

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**HOUSE OF REPRESENTATIVES**  
**SUBCOMMITTEE ON CRIME AND CORRECTIONS**  
**JUDICIARY COMMITTEE**

**ROGUE POLICE OFFICERS,**  
**UNMARKED CARS**  
**&**  
**HOUSE BILL 147**

**ON**

**12 NOVEMBER 1997**

**BY**

**FREDERICK HARRAN**  
**BENSALEM POLICE**

# OUTLINE

## ROGUE POLICE OFFICERS, UNMARKED CARS & HOUSE BILL 147

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- A. TITLE 147, WHERE ARE WE HEADING
- B. 1996, VEHICLE THAT FAILED TO STOP
- C. SECURITY GUARD MISUNDERSTANDING
- D. USES OF UNMARKED VEHICLES
  - 1. SURVEILLANCE
  - 2. UNDERCOVER OPERATIONS
  - 3. TRAFFIC ENFORCEMENT
  - 4. PATROLLING HIGH CRIME AREA

### II. WHAT CAN WE DO

- A. EDUCATE PUBLIC
- B. LEGISLATION ON LIGHTS
- C. LEGISLATION ON BADGES, UNIFORMS AND PATCHES
- D. POLICE POLICIES AND PROCEDURES
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- A. JUVENILE ARREST 10/30/97
- B. UNMARKED VEHICLES OUR TOOL

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, THANK YOU FOR GIVING ME THIS OPPORTUNITY TO COMMENT ON AN ISSUE THAT HAS BEEN OF GREAT CONCERN. NOT ONLY HAS THE USE OF UNMARKED POLICE VEHICLES AND THE PROBLEM OF ROGUE POLICE OFFICERS BEEN OF CONCERN TO THE PUBLIC, BUT ALSO HAS BEEN AN ISSUE IN THE POLICE COMMUNITY.

I HAVE BEEN A POLICE OFFICER SINCE 1987 WORKING IN MANY CAPACITIES IN LAW ENFORCEMENT. AS TIMES HAVE CHANGED SO HAS THE RULES THAT GOVERN OUR ACTIONS CHANGED. OFTEN THE POLICE FIND THAT RESTRICTIONS ARE CONSTANTLY BEING PLACED ON US AND THE TOOLS THAT WE USE.

WHERE MIGHT WE BE HEADING WITH LEGISLATION SUCH AS HOUSE BILL 147. WHILE PUTTING RESTRAINTS ON TITLE 75, THE VEHICLE LAWS OF PENNSYLVANIA MIGHT SEEM HARMLESS ENOUGH WHERE DO WE GO FROM THERE. WHAT CRIMES DO WE STOP PEOPLE FOR. DO WE PUT CONSTRAINTS ON TITLE 18, THE CRIMES CODE?

IN THE EARLY MONTHS OF 1996 I RECEIVED INFORMATION CONCERNING A GROUP OF INDIVIDUALS THAT WERE INVOLVED IN ARMED ROBBERIES IN NEW YORK.

THEY RESIDED IN THE PHILADELPHIA/BUCKS COUNTY REGION AND WERE KNOWN TO RESIDE IN BENSLEM. I HAD NAMES OF SUSPECTS AND DESCRIPTIONS OF THE VEHICLE INVOLVED. ON APRIL 17 I OBSERVED ONE OF THE VEHICLES INVOLVED DROP OFF A SUBJECT AT ONE OF THE LOCATIONS KNOWN TO US. I FOLLOWED THAT VEHICLE WHILE IN FULL UNIFORM IN A MARKED PATROL VEHICLE AS IT LEFT THE APARTMENT IN QUESTION. AFTER A FEW MOMENTS I ACTIVATED MY OVERHEAD LIGHTS AND ATTEMPTED TO MAKE WHAT WE REFER TO AS A CAR-STOP. THE VEHICLE

FAILED TO STOP HOWEVER, WAS NOT FLEEING AT A HIGH RATE OF SPEED. AFTER APPROXIMATELY 1 1/2 MILE WITH THE HELP OF TWO OTHER POLICE VEHICLES WE WERE ABLE TO GET THE VEHICLE STOPPED ON THE SHOULDER OF THE ROAD. WHEN I APPROACHED THE DRIVER, I ASKED HER WHY DIDN'T SHE STOP. SHE STATED "I WAS AFRAID" AND SHE DIDN'T HAVE TO STOP FOR POLICE UNTIL SHE THOUGHT IT WAS SAFE. WAS THIS A REASONABLE RESPONSE? I THINK IT WAS AN EXCUSE MORE THEN ANYTHING ELSE. A POLICE OFFICER IN A MARKED VEHICLE WITH THE ASSISTANCE OF TWO OTHER OFFICERS IS REASON ENOUGH TO STOP. IF YOU DON'T STOP, WHAT IS THE POLICE OFFICER TO THINK, DOESN'T THIS PLACE THEM AND THE OPERATOR IN EVEN MORE DANGER. NOW, THIS DOESN'T HAPPEN EVERY DAY, BUT IT HAPPENS MORE THEN IS REPORTED TO THE PUBLIC.

A CHECK OF OUR RECORDS FOUND, THAT IN RECENT YEARS BENSALEM HAS HAD ONLY ONE CASE DEALING WITH ROUGE POLICE OFFICERS. IT INVOLVED A SECURITY GUARD AND THE SECURITY JACKET HE WAS WEARING. AS IT TURNED OUT IT WAS MORE OF A CASE OF MISUNDERSTANDING, THEN AN INDIVIDUAL ATTEMPTING TO POSE AS A POLICE OFFICER.

UNMARKED VEHICLES ARE A VERY IMPORTANT PART OF POLICE WORK AND ARE UTILIZED EVERYDAY IN MANY WAYS.

SOME USES ARE: SURVEILLANCE, UNDERCOVER OPERATIONS, TRAFFIC ENFORCEMENT, PATROLLING IN AREAS WERE THE USE OF A MARKED VEHICLE WOULD NOT BE EFFECTIVE, THE USE OF UNMARKED VEHICLES AND NON-UNIFORM OFFICERS OFTEN END A SITUATION BEFORE IT EVEN STARTS. OFFICERS ON THE SCENE OF AN AUTO THEFT OR ANY THEFT IN PROGRESS CAN OFTEN MAKE AN ARREST BEFORE THE SUSPECTS REALIZES WHAT HAS HAPPENED, PLAIN CLOTHES OFFICERS CAN GET CLOSER TO CRIMINAL

ACTIVITY THEN UNIFORM OFFICERS, THUS CAN GATHER INTELLIGENCE AND EFFECT AN ARREST.

WHAT CAN WE DO TO FIND A MEDIUM FOR ALL PARTIES INVOLVED AND EFFECTED BY UNMARKED POLICE VEHICLES.

**FIRST**, WE NEED TO EDUCATE THE PUBLIC ON POLICE PROCEDURE. IN BENSALEM WE HOLD CLASSES TWICE A YEAR AT THE POLICE DEPARTMENT FOR ADULTS. WE DISCUSS POLICE PROCEDURE AND WHAT'S INVOLVED WHEN POLICE STOP VEHICLES. WE ALSO CONDUCT CLASSES IN OUR MIDDLE SCHOOLS AND HIGH SCHOOL, WE MUST NOT FORGET ABOUT THE YOUTH WHO HAVE AN EQUAL STAKE IN THIS MATTER. FROM TIME TO TIME WE ARE ASKED TO SPEAK TO DIFFERENT COMMUNITY GROUPS ON A VARIETY OF TOPICS. IN OUR PRESENTATION WE INCORPORATE THE POLICIES OF OUR POLICE OFFICERS ON CAR STOPS, IN BOTH MARKED AND UNMARKED VEHICLES. NOT ONLY SHOULD WE EDUCATE DRIVERS AFTER THEY OBTAIN THEIR LICENSE, BUT RATHER PRIOR TO THEM GETTING A LICENSE. WHEN I FIRST GOT MY LICENSE SOME YEARS BACK (NO NOT LAST YEAR, I KNOW I LOOK YOUNG BUT NOT THAT YOUNG) WE WERE TAUGHT WHAT A STOP SIGN LOOKS LIKE. BUT WE WEREN'T TAUGHT WHAT TO DO WHEN YOU'RE STOPPED BY A POLICE OFFICER. AS SIMPLE AS IT IS IT'S SOMETHING THAT NEEDS TO BE ADDRESSED AS PART OF THE LICENSE EXAM. FOR MOST PEOPLE IT IS A VERY SCARY AND NERVOUS SITUATION. IT IS HERE THAT MANY SAFETY ISSUES CAN BE ADDRESSED WITH THE NEW DRIVER. IN BENSALEM WE WORK WITH THE HIGH SCHOOL AND THEIR DRIVERS EDUCATION CLASS. WE LECTURE ON WHAT TO DO WHEN YOUR STOPPED BY A POLICE OFFICER AND WHAT HE OR SHE CAN OR CAN'T DO.

OFTEN THE PRESS REPORTS ON INCIDENTS INVOLVING ROUGE

POLICE OFFICERS. THESE STORIES ARE MANY TIMES BLOWN OUT OF PROPORTION CREATING GREAT CONCERN IF NOT PANIC IN THE COMMUNITY. NOT TO SAY THERE SHOULD NOT BE CONCERN OVER THIS, HOWEVER WE NEED TO TREAT EVERY CASE ON AN INDIVIDUAL BASIS INSTEAD OF OVER REACTING IN GENERAL. IT IS BECAUSE OF THIS WE NEED TO EDUCATE THE PUBLIC. OFTEN I'M ASKED WHAT SHOULD A PERSON DO WHEN THEIR IN DOUBT TO WHETHER OR NOT THE PERSON BEHIND THEM IS A POLICE OFFICER. I ANSWER THEM, WITH THE SAME INSTRUCTIONS I GIVE MY WIFE. IF THEIR A REAL POLICE OFFICER IN A UNMARKED CAR, THEY WILL RADIO FOR A MARKED VEHICLE TO STOP YOU. IF IT'S A VEHICLE WITH JUST A BUBBLE LIGHT DRIVE TO THE NEAREST POLICE STATION OR 7-11, ANYWHERE THERE ARE PEOPLE. DON'T DRIVE HOME. IF THEY ARE A REAL POLICE OFFICER THEY WILL UNDERSTAND, IF THEY ARE NOT THEY WON'T FOLLOW YOU. I HAVE HAD PEOPLE ASK ME, WELL EVEN IF IT'S A MARKED POLICE VEHICLE I'LL KEEP DRIVING UNTIL I THINK IT'S SAFE TO STOP. SOMETIMES THIS COULD WORK OUT, BUT OFTEN WHAT YOU PERCEIVE IS A SAFE PLACE TO STOP IS NOT A SAFE PLACE FOR THE OFFICER SO HE OR SHE MIGHT DIRECT YOU TO ANOTHER LOCATION.

THERE ARE THOSE THAT SAY, WE'LL CREATE LEGISLATION THAT REQUIRES A POLICE OFFICER TO SHOW THE MOTORIST STANDARDIZED POLICE IDENTIFICATION ON A TRAFFIC STOP. WHILE I FEEL STANDARDIZED IDENTIFICATION IS A GOOD IDEA. HAVING A UNIFORM OFFICER PRODUCE IT IS NOT. THERE IS A MAJOR CONCERN FOR AN OFFICERS SAFETY WHILE HE IS PRODUCING IDENTIFICATION. IMAGINE, A POLICE OFFICER STOPPING A VEHICLE AND THE DRIVER OF THAT VEHICLE ASKING THE OFFICER FOR IDENTIFICATION AND REGISTRATION PLEASE. THE PENDULUM

SOMETIMES SWINGS, BUT IN THAT CASE I THINK WE COULD CONSIDER IT STUCK.

**SECOND,** WE NEED TO LOOK AT LEGISLATION REGARDING THE USE OF AUXILIARY LIGHTING ON VEHICLES. MORE CONSTRAINTS SHOULD BE PUT ON THE USE AND SALE OF THESE TYPES OF LIGHTS. JUST ABOUT ANYONE CAN PURCHASE AND USE A YELLOW LIGHT WHICH CAN BE EASILY ADAPTED TO LOOK LIKE A POLICE LIGHT. THROUGHOUT THE COMMONWEALTH VOLUNTEER FIRE FIGHTERS OWN AND OPERATE BLUE LIGHTS. THEY CAN AGAIN EASILY BE MISTAKEN FOR POLICE LIGHTS. I'M NOT, NOR WOULD I SUGGEST TO PROHIBIT THE USE OF THESE LIGHTS AMONG THE FIRE FIGHTER PROFESSION. I WOULD WANT THE VOLUNTEERS TO BE ABLE TO GET AS QUICKLY AND SAFELY TO MY RESIDENCE IF NEED BE. HOWEVER I AM SUGGESTING THAT WE ISSUE THESE LIGHTS RESPONSIBLY, POSSIBLY BY REGISTRATION OR PERMIT.

**THIRD,** THERE NEEDS TO BE REGULATIONS ON THE SALE AND POSSESSION OF POLICE UNIFORMS, PATCHES AND BADGES. CURRENTLY THERE IS NO CONSTRAINTS ON THE PURCHASING OF THESE ITEMS NOR ARE THEY ILLEGAL TO POSSESS. ALMOST EVERY FLEA MARKET THROUGHOUT THE REGION AN INDIVIDUAL CAN OBTAIN ANY ONE OF THESE ITEMS WITHOUT ANY TROUBLE.

**FOURTH,** POLICE DEPARTMENTS NEED TO HAVE POLICIES AND PROCEDURES GOVERNING THE USE OF UNMARKED POLICE VEHICLES AND PLAIN CLOTHES OFFICERS. IN BENSLEM, PLAIN CLOTHES OFFICERS USUALLY REQUEST THE ASSISTANCE OF UNIFORMED OFFICERS WHEN PERFORMING SEARCH WARRANTS AND ARRESTING SUSPECTS. THIS POLICY ALLEVIATES ANY POTENTIAL PROBLEMS THAT MAY ARISE DURING THESE PROCEDURES.

IN BENSLEM WE HAVE THE FOLLOWING POLICIES IN PLACE CONCERNING

THE USE OF UNMARKED VEHICLE AND NON-UNIFORMED OFFICERS.

(THESE POLICIES ARE IN PARAPHRASE FORM)

1. POLICE UNITS NOT EQUIPPED WITH EMERGENCY EQUIPMENT (LIGHTS AND SIREN) SHALL NOT UNDERTAKE AN EMERGENCY RESPONSE EXCEPT UNDER THE MOST CRITICAL OF CIRCUMSTANCES. OPERATORS OF THESE NON-EMERGENCY VEHICLES SHALL TERMINATE EMERGENCY OPERATIONS WHEN AN EMERGENCY VEHICLE IS IN POSITION TO CONDUCT THE OPERATION.

2. VEHICLE STOPS BY NON-UNIFORMED PERSONNEL WILL NOT BE MADE UNLESS EXTREME CIRCUMSTANCES EXIST, I.E. MATTERS OF PUBLIC SAFETY, SERIOUS CRIMES WHEN NO MARKED VEHICLES ARE AVAILABLE. NON-UNIFORMED OFFICERS MAY FOLLOW AND MONITOR A SUBJECTS MOVEMENTS UNTIL A UNIFORMED OFFICER ARRIVES.

3. SPECIALTY VEHICLES SHOULD NOT ENGAGE IN A EMERGENCY RESPONSE, FOR EXAMPLE, SHOULD NOT RESPOND IN A PURSUIT MODE. HOWEVER, APPROXIMATELY THREE YEARS AGO I VIOLATED THAT POLICY, ACTUALLY IT WASN'T A POLICY YET. WHILE ASSIGNED TO BICYCLE PATROL I ATTEMPTED TO STOP A VEHICLE WITH MY BICYCLE. IT WAS BECAUSE OF THAT WE NOW HAVE THAT POLICY, BUT THAT'S A STORY FOR ANOTHER DAY.

OUR RULE OF THUMB IS, UNMARKED VEHICLES DO NOT ENGAGE IN MOTOR VEHICLE STOPS AND THE PUBLIC NEEDS TO BE EDUCATED ON THIS. **LASTLY**, THE POSSIBILITY OF MANDATORY SENTENCES SHOULD BE EXAMINED FOR INDIVIDUALS THAT POSE AS POLICE OFFICERS OR SURREPTITIOUSLY ATTEMPT TO STOP VEHICLES ON THE HIGHWAY.

IN 1995, BENSALEM HAD 26 VEHICLES FAIL TO STOP FOR POLICE THUS CAUSING POLICE PURSUITS, 1996 THERE WERE 22 SIMILAR INCIDENTS, AND UNTIL SEPTEMBER OF 1997 THERE WERE 14 INCIDENTS. WHAT MIGHT



THE NUMBERS BE IF PEOPLE DIDN'T THINK THEY HAD TO STOP FOR POLICE OR WERE UNSURE OF WHEN TO STOP?

RECENTLY WE PURCHASED TWO ADDITIONAL UNMARKED VEHICLES THAT DO NOT RESEMBLE YOUR TYPICAL UNMARKED POLICE VEHICLE. THE PURPOSE OF THE VEHICLES WAS TO OPERATE IN AN AREA EXPERIENCING CRIMINAL PROBLEMS, EFFECTING THE COMMUNITY. ON 10/30/97 COMMONLY KNOWN AS MISCHIEF NIGHT, PLAINCLOTHES OFFICERS WERE IN AN UNMARKED POLICE VEHICLE IN AN AREA EXPERIENCING A HIGH NUMBER OF JUVENILE PROBLEMS. THE OFFICER OBSERVED A VEHICLE DRIVING SUSPICIOUSLY THROUGH THE RESIDENTIAL NEIGHBORHOOD. THE VEHICLE PASSED THE OFFICERS AT WHICH TIME THE OFFICERS GOT ALONG THE SIDE OF THE VEHICLE AND GOT OUT TO APPROACH THE SUSPECT VEHICLE. ONE OFFICER NOTICED THE VEHICLE WAS OCCUPIED BY JUVENILES AND ONE IN THE REAR SEAT WAS ATTEMPTING TO CONCEAL SOMETHING UNDER THE SEAT. THE OFFICER THEN OBSERVED THE ITEM TO BE A HANDGUN. THEY REMOVED THE SUBJECTS FROM THE VEHICLE AND PLACED THEM UNDER ARREST WITHOUT FURTHER INCIDENT. I WOULD NOT TO THINK THE "WHAT IF'S" IF THE OFFICERS DIDN'T STOP THAT VEHICLE. OFFICER NOW ARE CONSTANTLY THINKING TO THEMSELVES CAN I DO THIS OR CAN I DO THAT. IS THIS A SITUATION WERE I CAN STOP A CAR OR NOT? BEFORE THE OFFICER RUNS THROUGH THE POSSIBLE SCENARIOS THE CAR WOULD BE GONE AND SO WOULD THE JUVENILES WITH THE LOADED GUN, OUT TO DO ONLY, WHAT? I'M KNOWN FOR STRANGE ANALOGIES SO IT'S NOT UNUSUAL THAT I END WITH ONE.

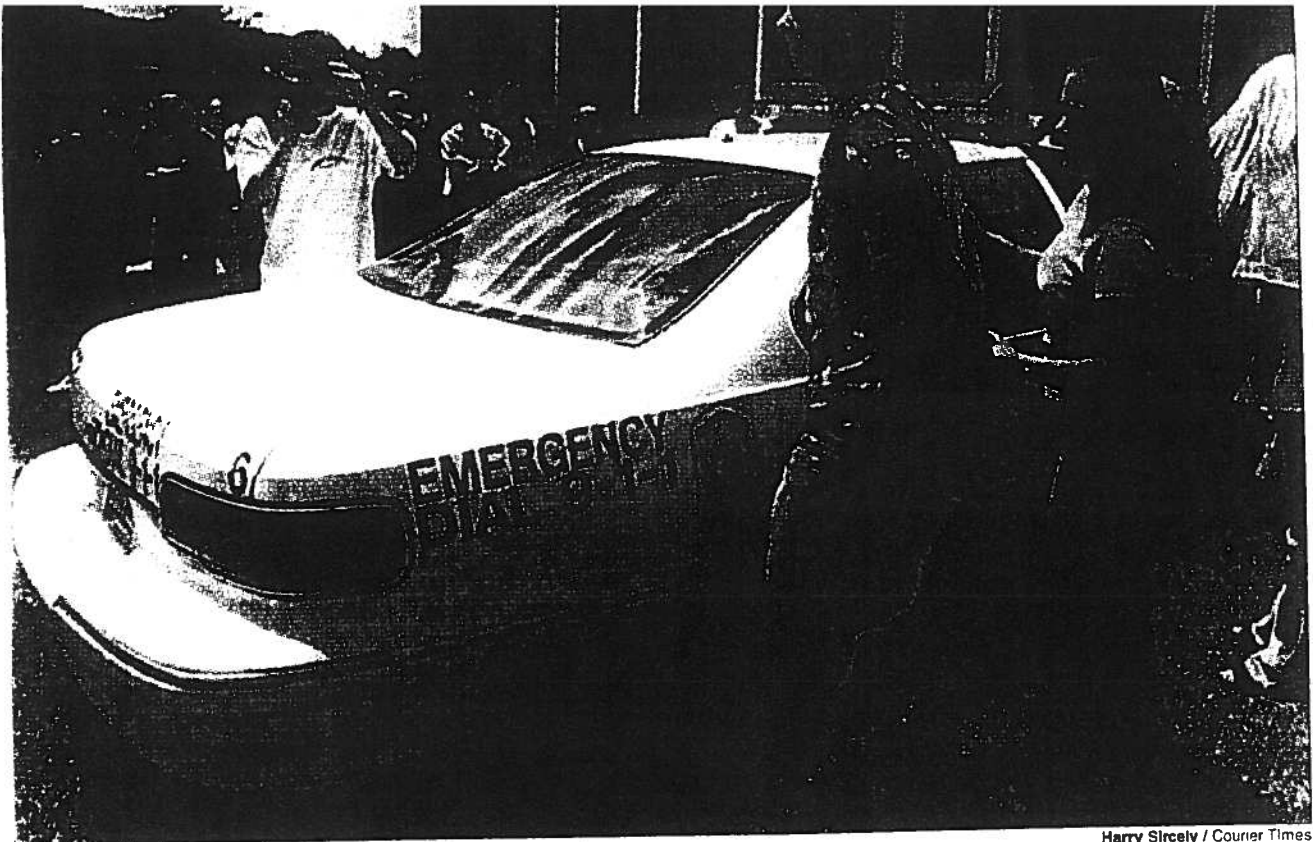
A SCREWDRIVER USED IMPROPERLY CAN BE A DEADLY WEAPON, HOWEVER WE WOULD NOT WANT TO TELL A CARPENTER THAT SCREWDRIVERS WERE ILLEGAL

TO USE. I WOULD RATHER THE GOVERNMENT, LEGISLATION MAKE HIM OR HER RESPONSIBLE FOR USING THAT SCREWDRIVER.

I SEE HOUSE BILL 147 AS THE BEGINNING OF TAKING AWAY OUR SCREWDRIVER.

DOING THE JOB IS HARD ENOUGH WITH ALL THE CONSTANTS PUT UPON US. I WOULDN'T WANT TO LIVE IN A HOUSE WERE THE BOLTS WERE NOT IN TIGHT ENOUGH. I WOULD WANT LAW ENFORCEMENT EQUIPPED WITH EVERY TOOL POSSIBLE TO DO THE JOB EFFECTIVELY AND SAFELY.

THANK YOU FOR YOUR TIME AND LETTING ME ADDRESS YOU ON THIS VERY IMPORTANT ISSUE. THERE ARE MANY WAYS TO APPROACH THIS CONCERN, DON'T TAKE AWAY A VERY IMPORTANT AND USEFUL TOOL IN LAW ENFORCEMENT.



Harry Sircely / Courier Times

Lisa Knowles slaps the cuffs on Mike Johnson during a cops and robbers role-playing session yesterday. Police gave students tips on how to handle traffic stops as well as the dangers of police work.

# Students try police work

Bensalem High School students played cops and robbers yesterday. It's more dangerous than it looks, students said afterward.

By Dave Sommers  
Courier Times

In a split second Marc Wirzberger was shot full of holes.

His partner, Mike Johnson, likewise was blown away.

Instead of screams, the two seniors heard only snickers from classmates yesterday as their social studies class at Bensalem High School turned into a police academy for the day.

The class, part of an eight-week program called the Youth Community Academy, is led by Bensalem police Officers Fred Harran and Ed Kisselback. It teaches students about police procedures, crime and other public safety issues.

Yesterday, social studies teachers Chris Vaughan and Ross Cohen watched as several students volunteered to be the cops. Others volunteered to be passengers or criminals.

The class went to the school's parking lot where the students pretended to pull over vehicles.

When his turn came, Wirzberger walked up to a



Harry Sircely / Courier Times

Bensalem police officer Fred Harran talks with Bensalem High School students. The officer is part of the Youth Community Academy, which seeks to educate kids about the police, crime and related issues.

stopped vehicle and came face to face with a "criminal" — who had a gun tucked under his arm.

Senior Christina Masterson, if she wanted, could've shot Wirzberger in the chest.

"Making car stops is not as easy as it looks," Wirzberger said after class. "Police have to watch out for a lot of things when they pull somebody over. She got me good. I was dead."

Harran also taught the students how to respond if they're pulled over.

"You should pull off on the shoulder. Half the cops killed each year while on duty are not shot — they're run over while

making a car stop."

Other students wanted to know if police have the right to pull them over and make them get out of the car.

"Police must suspect a crime has been committed," Harran said. "If someone is acting suspicious, an officer is allowed to check the car for weapons."

"Or if an officer sees drug paraphernalia in the car, you can search the whole car," he said.

Harran also said it's wise to keep hands in plain view, and don't make any sudden moves.

"If I see somebody moving around real quick inside the vehicle," he said, "I get suspicious."

## If you're stopped by a cop

- Pull on to the shoulder of the road.
- Don't get out of the vehicle and walk back to the police car unless asked.
- If opening the glove department to get ID, tell the officer what you're doing.

## About the program

The Youth Community Academy was paid for by a \$15,000 grant from the Pennsylvania Commission on Crime and Delinquency. Other classes attended by students included: use of force, crimes code and domestic violence, vehicle code and accident investigation, intentional trauma, date rape and the use of canines.