

I am Major Kathryn Douth, Director of the Bureau of Patrol for the Pennsylvania State Police. On behalf of Colonel Paul J. Evanko, Commissioner of the Pennsylvania State Police, I would like to thank you for inviting the State Police to present testimony before the Subcommittee on Crime and Corrections of the House Judiciary Committee on rogue police officers, unmarked cars and House Bill 147.

As you well know, over the past few years these issues have been the subject of considerable concern for the public, the legislature and the police due primarily to reports of police impersonations by criminals. Much of this concern has come from women who are afraid to stop at night for a police officer - fearing it is not really a police officer, but someone impersonating one.

As a result, some individuals believe the answer is to eliminate unmarked police vehicles for traffic stops, at least for summary offenses. However, before we look at this extreme solution, the Pennsylvania State Police would like you to seriously consider a number of related issues. If the term rogue police officer refers to an officer abusing their authority and the public trust, the cases are extremely rare and eliminating unmarked police vehicles for traffic would have little consequence. If the term refers to a non-police person, that is someone impersonating a police officer, then we must try to address the frequency of the problem, as well as all possible solutions, hopefully without diminishing public safety in any way.

In this light, the State Police researched the incidence, or frequency, of police impersonation. Because Title 18, the Crimes Code, does not differentiate between impersonating a public servant and impersonating a police officer, we instituted a computerized search through NEXUS for news articles or abstracts of articles for reporting on such cases in Pennsylvania. In 1997, this research showed only ten such cases reported in the news, of which two were later proved to be fabrications. Only one verified incident involved the pulling over of a vehicle. This occurred on the turnpike, where the defendant used a spotlight and hand gestures to pull a male victim over. The defendant subsequently identified himself as a federal agent and, in the verbiage of the article, threatened to write the other motorist a ticket.

The two known cases of fabrication came out of Southeastern, Pennsylvania, where fears of police impersonation have been heightened because of a high profile homicide. Actually, in a relatively short period of time, four reports were received in that area of the state from members of the public believing they had been the subjects of traffic stops by people impersonating police officers. Even the two cases which were proved false following extensive investigation, allegedly reported the use of flashing blue lights, not red lights or a combination of red and blue, to pull them over. A third report of police impersonation in this area also involved a motorist pulling over for a flashing blue light. This motorist, a male, was not approached by the offender; and, to my knowledge, the case has not been resolved. The fourth report, when investigated, revealed a traffic stop

initiated by a State Police Trooper -- no impersonation and no abuse of power.

As you can see, the actual number of incidents reported in the news of police impersonation involving the stopping of a motorist was two. The one on the turnpike where the defendant identified himself as a federal agent, and who was shortly thereafter arrested for driving under the influence, impersonating a public servant, disorderly conduct and harassment; and the one in Southeastern, PA where the offender never approached the victim's car.

The concern for "rogue police officers" was nationally generated by the videotape of a South Carolina State Trooper out of control after a chase. The inflammatory film footage showed the Trooper yelling at a female motorist, dragging her out of her car and striking her. This incident is an anathema to every professional police officer, and the South Carolina authorities acted swiftly in dealing with the offending officer. This type of incident, although horrifying, would not necessarily be prevented by eliminating the use of unmarked police vehicles for traffic stops. These incidents can only be prevented by the proper recruitment, training and supervision of police officers.

There was a law enforcement tool in evidence in that situation, however, which helped clarify the events as they occurred and which aided South Carolina officials in taking immediate action. That tool was a mobile video recording device, also referred to as an MVR. This tool, over the years, has recorded high and low speed chases. It has recorded the interaction of police officers with the motoring and ambulatory public. And, it has also recorded the murdering of police officers.

It has immense value to all associated with police work. Although some police are wary such taping will be used in a punitive fashion, the fact is the MVR will usually exonerate the professional officer who conducts themselves in the appropriate manner in which they were trained.

The Pennsylvania State Police, under Colonel Evanko, has been able to acquire and equip approximately 65 patrol vehicles with MVRs. And, although there are legal issues we are trying to address through legislation relative to voice recording to supplement the visual recording, we anticipate this technology will show the high level of professionalism employed by, and expected of, our members.

I would like to address the effect we believe House Bill 147 would have on the overall delivery of police services. And, although I am here to plead the case for unmarked vehicles for patrol, it is important to recognize the majority of our patrol vehicles are, in fact, marked.

The State Police recognizes the majority of the public relates the term State Police Officer, or Trooper, to someone in the gray uniform, with the gray Smokey-the-Bear style

campaign hat, usually in a marked car, patrolling the highways. But as you know, our mission is much larger than that. We are charged with the enforcement of not only the Vehicle Code (Title 75), but the Crimes Code (Title 18), the fish and game laws, and other such responsibilities as the Governor may see fit to assign, such as assisting other state agencies in the enforcement of laws applicable to them. These enforcement duties are carried out throughout the Commonwealth, although we are primarily functional in those areas of the state without a full-time police department. In general, we protect the lives and property of the citizenry of Pennsylvania.

In accomplishing this mission, the Pennsylvania State Police are, first, generalists. Our Troopers are initially assigned to patrol duties following their training, and the majority of Troopers remain in that function. Patrol, however, is not limited to traffic. In fact, as the demands for police services have increased, our preventive patrol has been severely curtailed and many selective traffic enforcement programs are conducted on an overtime basis. It is extremely rare, if ever, that a uniformed Trooper can exclusively devote their day, or even most of it, to a proactive enforcement and prevention effort.

And yet, it is the patrol Trooper who is the first line of defense in preventing traffic crashes, easing congestion, preventing and discovering criminal activity, and reporting violations. They are usually the first to arrive at a crime scene and the majority of initial criminal investigations are made by them. They are primary investigators of many of the less complex crimes. By virtue of their general patrol assignments, they also solve many of these investigations because of their ability to immediately follow-up with interviews of neighbors of victims or of known suspects.

They serve warrants on those who do not respond to court summonses. And they provide surveillance, during their regular patrol, of areas in which criminal activity has been occurring.

State Police selective traffic enforcement programs are aimed at reducing crashes and saving lives. We focus our efforts on drivers under the influence, aggressive drivers, and drivers who refuse to obey the speed limits and other traffic and motor vehicle-related laws which you, the legislature, have crafted and enacted for the safety of the public. These efforts, along with general traffic enforcement, resulted in the issuance of 402,389 traffic citations in 1996 and 10,475 arrests for driving while under the influence. In addition, 347,523 Police Warning Notices were issued and 64,683 motorists were assisted. Enforcement is often more successful using unmarked vehicles.

We are all aware of the automatic response of drivers upon seeing a marked police vehicle. They first put on their brakes and then check their speedometer. They become cognizant of using their turn signals and following other vehicles at safe distances. They start to drive defensively and with courtesy. All of these are good things.

However, this often means their driving habits are not usually so careful, courteous or safe. This is verified by the number of crashes occurring on our highways every year. In our attempt to combat unsafe and aggressive drivers and decrease this number of crashes, unmarked vehicles can prove invaluable.

By eliminating our ability to use unmarked police vehicles for patrol, the legislature will also be taking away an important tool in criminal detection. This type of vehicle is an observation platform for surveillance of areas where crime has been occurring, of people suspected of reported criminal activity, as well as of traffic-related violations. Covert activities are an important part of our job and are not limited to criminal investigators or vice and narcotics investigators.

In addition, many commissioned officers use unmarked cars in their day-to-day business. These same officers stop to help disabled motorists on their way to and from work and between appointments. When in uniform, they also stop violators. This summer, while in Western Pennsylvania observing selective traffic enforcement efforts for a day, I was returning to my lodgings and made two traffic stops. The first was of a young man driving 20 mph over the speed limit, without a seat belt and with a registration violation. The second was an older driver whose truck was weaving back and forth on the interstate. These stops were initiated because of summary violations; yet, if ignored or not permitted, all could have had serious consequences for the motoring public.

Since then, I have stopped to help a disabled motorist and stopped to assist at the scene of a crash where the local police had already departed, but an unsafe situation had occurred because of the location of a vehicle, the increased volume of traffic and the resulting traffic patterns.

Multiply these personal experiences by the number of commissioned officers and others not always in uniform who drive unmarked vehicles, and you will see a major decrease in the effective delivery of police services.

A fourth issue, that of emergency lighting, should at least be raised in discussions on the elimination of unmarked patrol vehicles. It is the belief of the police community that the proliferation of organizations and individuals permitted to have various configurations of emergency lights creates confusion. Currently, there are 15 types of organizations permitted to equip their vehicles with emergency lighting. Most of these vehicles are also permitted to be equipped with an audible warning device.

There are also 14 categories of privately owned vehicles which are designated as emergency vehicles and may be equipped with emergency lighting. The picture becomes even more confusing, not only to the general public, but also to police officers; because scattered throughout our laws are provisions for the enforcement of specific statutes. Generally, these statutes provide code enforcement officers with police powers while

acting within the scope of their employment. In some instances, these laws permit pursuit to apprehend violators of these codes.

Colonel Evanko, recognizing the increased fear of the public in being stopped by someone other than a police officer, issued strong new guidelines in July of 1996 for both the public and for our members. Advice to the public was disseminated by news interviews and through public speeches and presentations. To our members, Colonel Evanko stated:

"Except in extreme circumstances, only uniformed members shall stop vehicles while operating unmarked patrol vehicles. Members shall wear the issued campaign hat at all traffic stops and highway incidents. Members shall use emergency lighting and equipment when making traffic stops. With proper consideration for officer safety, the interior light of the patrol unit should be used to help the motorist identify the member as a State Police Officer. The public address system should also be utilized."

In addition, in August of 1996, Col. Evanko strengthened our policy by prohibiting unmarked vehicles for midnight patrol, except for exigent circumstances; by limiting the use during periods of darkness except for special traffic enforcement; and, at other times where covert or undercover methods are necessary. And, although drivers are required under Section 3325 of the Vehicle Code to stop for police vehicles when emergency equipment is activated, our members are aware it is a defense if the driver cannot identify the operator of an unmarked police vehicle as a police officer.

By requiring Troopers to take steps to help motorists identify police officers and by providing the public with information on the appropriate response to police stops, the Pennsylvania State police believes we will be able to deal with many of the concerns which have been raised.

Colonel Evanko and the Pennsylvania State Police understand and share your concerns about the crime of impersonating a public servant, specifically a police officer; about the general use of unmarked cars; and about the proliferation of emergency lighting which can create confusion. His suggested resolution is not, however, to legislate the prohibition of unmarked police vehicles.

Instead, he and the Pennsylvania State Police suggest curtailing the number of organizations and people permitted to use emergency lighting. We also suggest amending Section 4912 of the Crimes Code, specifically addressing the impersonation of a police officer separately from the general offense of impersonating a public servant, and grading the offense appropriately, in accordance with the intent and/or actions of the offender.

Colonel Evanko and our department believe each police department should

establish their own policy for the use of unmarked police patrol vehicles. Recognizing the concerns of the public, we believe those policies should be shared through a vigorous public information campaign.

In conclusion, it is our concern that legislation prohibiting or inhibiting the use of unmarked patrol vehicles will not resolve the real problem of people committing criminal acts under the pretense of being a police officer, but will result in a less effective delivery system of police services and traffic enforcement, and a more secure environment for criminals.

The State Police, as well as all police charged with the protection of life and property, need all of the available tools to accomplish our mission. The unmarked patrol vehicle is one of the important tools we currently have.

Thank you for this opportunity to receive our input on this important topic. I will now try to answer any questions you may have.