

# Sheriff's Office County of Clarion

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THANK YOU FOR THIS INVITATION

When I first received your invitation accompanied by the purposed legislation and saw the title Rogue Police Officers, Unmarked Police Cars , you got my attention.

Of course I have heard the stories of unmarked cars pulling over motorist and some person in plain clothes showing what was purported to be police identification . Later there was a complaint filed about this "Policeman" asking for a date or whatever .

I know of one instance in my county where this happened. He was not a policeman but what we call a "Wanna-be" . He was arrested and received his sentence before the court for impersonating a police officer .

I, like everyone, am concerned about the policeman who has strayed from the normal . A person who has crossed the line . No agency wants this to happen.

Does the fact that a unmarked police vehicle was involved make a difference ?

My own personal opinion is that the solution is somewhere in between but certainly the system has failed.

(2)

The Police Chief or Sheriff did not recognize this rogue trait when the officer was first interviewed, hired, during his/her probation period or when the very first complaint came in. Somewhere there should have been a sign that this officer was a 'rogue' .

How do we explain the fact that applicants for this job must undergo a physical/psychological exam and these instances still occur ? I can't .

We all know that the courts and state statues presently limit what a officer can and cannot do when not in uniform. The term Emergency Vehicles is clearly spelled out .

The purposed amendment to Title 75 /Section 3733/ limits when unmarked cars can be used to stop or attempt to stop a moving vehicle. The sections cited are very serious offenses but do they by themselves correct the situation ?

A proposal with such wide sweeping repercussions should be given careful thought . I can only surmise that this legislation is yet another hasty reaction to those few, but widely publicized, incidents where police officers become criminals.

**Bad cops are bad cops, in uniform or out ,in marked cars or not .**

H.B. 147 does create a legal nightmare for honest cops. When such legislation is proposed, one must first imagine the most ludicrous legal defenses and decisions that will result. In the case of this proposal, the potential for adverse results are many. the Bill does not address violations of Title 18, The Crimes Code . Will this bill restrict officers to making traffic stops only when specified violations occur ? Does that mean that I will have to watch someone kidnap a child, and not be permitted to stop the car when I'm driving a unmarked unite ?

Lets examine what the proposal permits . How will an honest and intelligent officer testify that he "suspects" a violation of Title 75, Section 3731, when he hasn't stopped a suspected vehicle to observe the driver ? Nearly every DUI arrest starts with a summary violation and when the officer stops the vehicle, he discovers additional information that develops probable cause to make a DUI arrest . My officers never suspect any driver of DUI solely on the basis of driving habit, and neither should any other officer . There won't be any DUI stops under this Bill if the officer is in an unmarked unit, because the officer can't stop for the initial violation observed .

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Questions also arise over what is considered " not clearly identifiable by its markings as a police vehicle " ? You and I have seen "marked" police cars that don't look "real ". Anyone can purchase magnetic markings that are easily removed and replaced, and so can any other citizen. Are we going to enter a courtroom and engage in a debate with the defense regarding what does and does not constitute what looks like a real police car ? If the defense raises that question, we'll have to defend the markings on all our cars in most traffic proceedings.

Lets try something that takes into account what the effect will be on the thousands of law enforcement officers who will have to work with it.

An marked police car can play a very important role in police work and I believe this Bill ( as it stands ) will further tie the police officers hands. Take for instance that two Deputy Sheriff's who are serving a Protection from Abuse Court Order . Because the alleged abuser is a known trouble maker and the fact that the court order directs that all firearms be confiscated, the Deputies are using a unmarked police car for a element of surprise. Proceeding to the residence (in uniform) they observe a vehicle run a stop sign and nearly cause a accident. Should they not pursue this vehicle and stop it ? Are they derelict in their duty if they do not ? The only solution would be to follow and try to get a clearly marked vehicle to assist .

I'm sure you are aware that some departments are already doing just that . Limiting the use of unmarked vehicles for traffic stops . But should that be law ?

The suggestion that possibly restricting the use of flashing or revolving red lights to police officers on duty, and in marked EMS and fire vehicles should be considered . Lets make is a misdemeanor offense to possess a flashing or revolving red light by anyone else and make it a felony to impersonate a law enforcement officer .

We, the cops, are the good guys. The actions of a few criminals who manage to get into uniform doesn't change that . I happen to believe that most people are good people and I believe that most cops are good people too.

We need the unmarked vehicle to deter criminal activity . Some departments have only a couple cars . If one breaks down they have to use the other.

(4)

The officers I know don't rape female motorist, haven't beat anyone up and seldom become involved in a pursuit . Their decent upstanding citizens just trying to do a job that never ends .

I would add that I believe you are on the right track, in asking for input from the law enforcement community . In these two days of testimony you have, I'm sure , heard many varied and interesting stories on why (or why not) we should be further restricted in the type of vehicle we use for law enforcement .

Perhaps time of day is more important than anything else .

Visibility does play a factor in all vehicle stops and the officer should use common sense during hours of darkness. We want the motorist to be safe . We tell our loved ones not to stop for anyone who they are suspicious of . That they should be sure it is a policeman. Should we ask the public to be less cautious ?

Seasoned officers wait to reach a clearly lighted area before attempting to stop the vehicle . They turn on the dome light . They " Light up the vehicle ."

I must also mention the word "Liability " . Should we .. Can we.. pass up a violation of the law ?

Thanks again for the invitation ..



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