

DATE: FEBRUARY 22, 2000

TO: HOUSE JUDICIARY COMMITTEE:  
SUBCOMMITTEE ON CRIMES AND CORRECTIONS

FROM: BRUCE L. CASTOR, JR  
DISTRICT ATTORNEY OF MONTGOMERY COUNTY

RE: HOUSE BILL 106 (Bard)

On February 19, 2000 The Times Herald headline read:

**WOMAN PLEADS GUILTY TO FALSELY  
ACCUSING POLICE OF SEXUAL ASSAULT**

The woman had been arrested for Public Drunkenness, 18 Pa. C.S.A. §5505, a summary offense with the maximum penalty of ninety (90) days imprisonment and/or a \$300.00 fine, on September 5, 1999. The next day, at a Philadelphia hospital, she reported that she had been sexually assaulted by three Norristown police officers.

The Montgomery County District Attorney's office investigated the alleged assault since the woman reported that she had been assaulted in Montgomery County. Sixteen video cameras at the Norristown police station told a different story: NOTHING HAD HAPPENED.

In 1991 the same woman had charged her boyfriend with rape- another baseless charge. She pleaded no contest and was placed on probation. Thus, since this is her second offense she faces a maximum of four (4) years imprisonment and fines totaling \$10,000.00. Under the current law her crime is a misdemeanor.

Under the proposed changes to 18 Pa. C.S.A. § 4906, since the false information related to a felony (such as rape, robbery and kidnapping) the crime would be graded as a Felony 3 with a maximum penalty of three and one-half (3 1/2) to seven (7) years imprisonment and a \$15,000.00 fine. This is an important charge because felonies are serious crimes and this was a serious case of false reports.

Look at the consequences of these false allegations:

- (a) Three police officers were defamed - an entire department was placed under a cloud of suspicion.

Shakespeare said it best in Othello, II, iii, 264

"I have lost my reputation.

I have lost the immortal

part of myself."

(b) The Montgomery County District Attorney detectives spent endless hours which could have been devoted to real, serious, unsolved crimes instead of chasing windmills.

(c) Since the reports were made in Philadelphia, the Philadelphia Police Department and Philadelphia District Attorney's office became involved in the investigation; again hours were spent in useless, pointless investigation.

About ten (10) years ago two young men and a young woman reported the theft of a gun (a Felony 3) to a local police department. They named the thief. An investigation ensued. Charges were brought, a jury selected, and a trial held in which the three friends who reported the

crime testified. A verdict of guilty was returned by the jury, bail was revoked, and the thief was remanded to Montgomery County Prison.

Then - days later - the three friends confessed that "it was all a joke."

They went to prison as perjurers. This is an extreme case but illustrates the waste, the cynicism, the personal harm that can result from false reports.

At the heart of the christian, jewish and islamic traditions is the command: Thou shalt not bear false witness against thy neighbor.

This proposed legislation recognizes the practical, the emotional, and the long-term consequences of false reports. If police officers are responding to the false report of a robbery, they cannot, at the same time, respond to the reported kidnapping of a young child.

A series of false reports cannot help but make officers cynical and, potentially, demoralized, and for all of us, there is the immense amount of money frittered away on fictional rather than real crime.

As District Attorney of Montgomery County, I enthusiastically support this change and salute those responsible for recognizing the need for an increased penalty for this serious crime.