

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

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House Bill 1961  
Local Police Radar

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House Transportation Committee  
Subcommittee on Highways

Room 205  
Ryan Office Building  
Harrisburg, Pennsylvania

Tuesday, September 4, 2001 - 2:30 p.m.

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BEFORE:

Honorable Richard A. Geist, Majority Chair  
Honorable Dennis E. Leh, Majority Subcommittee Chair  
Honorable Ellen Bard  
Honorable Russ Fairchild  
Honorable Dick Hess  
Honorable Ron Marsico  
Honorable Eugene McGill  
Honorable Stanley Saylor  
Honorable Jess Stairs  
Honorable Jere Strittmatter  
Honorable Katharine Watson  
Honorable Keith McCall, Minority Chair  
Honorable Paul Costa  
Honorable Dave Levdansky  
Honorable Dante Santoni  
Honorable Stephen Stetler  
Honorable Anthony Melio

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**ALSO PRESENT:**

**Eric Bugaile**  
Majority Executive Director  
House Transportation Committee

**Paul Parsells**  
Minority Executive Director  
House Transportation Committee

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1                   CHAIRPERSON GEIST: Okay. I'd like to call  
2 this committee hearing to order. We've been, we've been  
3 looking at the local government radar use since I've been a  
4 member of the General Assembly and long before. And one of  
5 the things that this committee wants to do is make sure  
6 that if we do bring a bill, that it is probably the very  
7 best that could possibly be crafted in order to protect the  
8 motoring public, allow police to have a method of speed  
9 control, and used in a way that is very prudent in its use.

10                   Now, saying all those things, let me tell you  
11 this has not been an easy trip. And we had various members  
12 who had either amendments or bills that they wanted to  
13 offer. And in doing that, in conversation, in discussions  
14 with Representative Leh, we have decided that no bill will  
15 come out of this committee unless it's Representative Leh's  
16 bill and no bill will come out unless we've spent a  
17 tremendous amount of time crafting that legislation.

18                   And I just want to tell you that Dennis Leh  
19 has done a fantastic job in doing that. I know that he's  
20 not nearly as liberal as you think he is. But he's getting  
21 there now. And I'd like to turn this meeting and the rest  
22 of the day over to Dennis Leh.

23                   CHAIRPERSON LEH: Thank you very much, Mr.  
24 Chairman. I'm not sure really how to accept that. In its  
25 infinite wisdom or lack thereof, the Chairman has given me

1 the responsibility of crafting a piece of legislation to  
2 grant local police departments the authority to use radar.

3           Primarily, he's done that -- at least the  
4 reason why he told me that that was his wishes is that I've  
5 always been a very strong opponent of the use of local  
6 radar. So I guess he felt that if we're going to have a  
7 local radar bill, we're going to have one that does what  
8 the local police want it to do but at the same time protect  
9 the motoring public from any abuse.

10           With that said, what I would like to do now is  
11 ask the members from my right to the left to introduce  
12 themselves by name and county; and then we can get started.  
13 It is getting late in the day. We do -- we would like to  
14 be out of here before 5:00.

15           I know a lot of other folks here have things  
16 they need to do tonight, and so we hope to stay on time.  
17 And I would ask those that are presenting testimony, if  
18 they can do it without reading word for word, if they can  
19 somewhat summarize that testimony, the committee would be  
20 greatly appreciative of it so we can move along. From my  
21 right.

22           REPRESENTATIVE MCGILL: Gene McGill,  
23 Montgomery County.

24           REPRESENTATIVE MARSICO: Ron Marsico, Dauphin  
25 County.

1                   **REPRESENTATIVE WATSON:** Katharine Watson, part  
2 of Bucks County.

3                   **REPRESENTATIVE SAYLOR:** Stan Saylor, York  
4 County.

5                   **REPRESENTATIVE FAIRCHILD:** Russ Fairchild,  
6 Snyder and Union County.

7                   **MR. PARSELLS:** Paul Parsells, Director of the  
8 Committee for the Democratic Caucus.

9                   **REPRESENTATIVE LEVDANSKY:** David Levdansky,  
10 Allegheny County.

11                   **CHAIRPERSON LEH:** And I'm from Berks County,  
12 by the way, for those who don't know.

13                   **CHAIRPERSON GEIST:** Rick Geist, Blair County.

14                   **MR. BUGAILE:** Eric Bugaile, the Executive  
15 Director of the committee.

16                   **REPRESENTATIVE MELIO:** Tony Melio, Bucks  
17 County.

18                   **REPRESENTATIVE STAIRS:** Jess Stairs,  
19 Westmoreland County.

20                   **REPRESENTATIVE SANTONI:** Dante Santoni, Berks  
21 County.

22                   **CHAIRPERSON LEH:** Okay. Thank you very much.

23                   **REPRESENTATIVE BARD:** Ellen Bard, Montgomery  
24 County.

25                   **CHAIRPERSON LEH:** Oh. Sorry, Ellen. I'm

1 sorry. I didn't see you there. With that done, I'd like  
2 to, the committee would like to ask Mr. Ted Leonard to come  
3 forward and present his testimony. Mr. Leonard is with the  
4 Pennsylvania AAA.

5 MR. LEONARD: Thank you.

6 CHAIRPERSON LEH: And you can begin whenever  
7 you're ready.

8 MR. LEONARD: Thank you. In the interest of  
9 saving time and at your request, I will skip over much of  
10 the prelude of what I had in my written testimony and move  
11 on to really what is on page 2, which I think is really the  
12 meat of the issue.

13 And the fact is that AAA members have been  
14 evenly divided on the question of local police use of radar  
15 for many, many years. Now, our most recent survey, which  
16 we took in December of last year, showed that 49 percent of  
17 the respondents supported local police use of radar while  
18 51 percent of those who answered the survey opposed it.

19 And I would add that in wording the question  
20 as to the local police use of radar, it was a  
21 straightforward question: Do you oppose, or do you  
22 support? We did not really get into any of the details or  
23 conditions in the questioning.

24 And one of our concerns regarding the question  
25 of local police radar usage is the potential misuse of

1 radar to generate municipal revenues. And while we support  
2 the many protective measures in House Bill 1961, we believe  
3 that perhaps instead of limiting municipalities' total  
4 revenue from radar fines to 5 percent, that all the fines  
5 garnered from radar fines should go into a state fund,  
6 possibly the Motor License Fund.

7           And we support those provisions of House Bill  
8 1961 requiring the use of radar by only full-time police  
9 officers. We also support the requirement for a  
10 radar-utilizing vehicle to be in plain sight or to be  
11 highly visible and also the inclusion of sufficient  
12 training requirements for officers using radar.

13           AAA, as I mentioned, has had a long-standing  
14 and high regard for the many outstanding officers in our  
15 law enforcement community and their efforts to improve  
16 traffic safety. We believe that the most effective means  
17 of traffic enforcement is still the visible police  
18 presence.

19           We commend the sponsors of House Bill 1961 for  
20 their efforts in providing law enforcement officials the  
21 tools that they desire while providing safeguards against  
22 the misuse of radar to generate revenues instead of  
23 enforcing traffic safety.

24           And I thank the committee for this opportunity  
25 to allow us to provide comment on House Bill 1961. And I'd



1 be happy to both answer questions at this time and to work  
2 with the committee and committee members to make any  
3 amendments to House Bill 1961 or any improvements.

4 CHAIRPERSON LEH: Okay. Thank you, Ted. I  
5 guess the first question I have is with regards to the 5  
6 percent. Now, in all honesty, that's a figure that  
7 basically I think we pulled out of the air as a starting  
8 point. And maybe the figure's too high. I don't know.

9 If you have a large municipality with a huge  
10 budget, then you could be talking some big bucks.

11 MR. LEONARD: Exactly.

12 CHAIRPERSON LEH: But on the other hand, I  
13 guess I see a local government entity using their police  
14 force to do what their police force is supposed to do; and  
15 that's, that's to control speeders and whatever. So they  
16 are performing a service.

17 And I guess I have a hard time with wanting to  
18 give the state all the money that they take rather than  
19 just not giving them some because they are performing the  
20 job. This isn't something that the state police are going  
21 to do.

22 This is something that a local police force is  
23 going to conduct. And, you know, I think, I think they  
24 need to be paid for it; but it might be just a matter of  
25 how much. It may not be the 5 percent. But I think there

1 should be some figure there.

2 MR. LEONARD: Well, obviously, they should be  
3 allowed to recover any costs of the operation.

4 CHAIRPERSON LEH: I understand. I understand  
5 you weren't talking about actual costs being recovered.

6 MR. LEONARD: Right, right. But if the  
7 motivation is traffic safety, as we believe it should be,  
8 then it really shouldn't matter to them where the money  
9 goes. And that, again, is our concern. And we'd be happy  
10 to work with the committee on that.

11 CHAIRPERSON LEH: Okay. Thank you. Any  
12 questions? Yes. Representative Fairchild.

13 REPRESENTATIVE FAIRCHILD: Thank you, Chairman  
14 Leh. Does your organization in Pennsylvania or in the  
15 United States have any statistical figures on, on  
16 municipalities that may have used this as a windfall?

17 MR. LEONARD: No, we don't have any  
18 statistics. It's only anecdotal what we've read in  
19 newspapers and so forth. Recently, a year or so ago, there  
20 was a community which did complain about how those revenues  
21 were no longer available to them. And I think the figure  
22 mentioned in the paper was it took away one-third of the  
23 local revenue.

24 REPRESENTATIVE FAIRCHILD: In your -- and  
25 perhaps you can't make this judgment, or opinion. But in

1 your opinion, are these -- when these activities are  
2 allowed to happen, do you think they're generated mostly  
3 for income purposes or safety purposes? And when I say  
4 safety, not necessarily going the speed but directly  
5 towards areas that have a, say, high accident rate.

6 MR. LEONARD: Well, if there were areas that  
7 had a high accident rate, certainly we would support any  
8 tools that could be used to enhance safety in that area.  
9 Our concern would be that this could be looked at as a  
10 revenue operation to generate revenues through this means  
11 and perhaps keep taxes down, local taxes down and used to  
12 balance the budget in a municipality.

13 REPRESENTATIVE FAIRCHILD: Thank you.

14 CHAIRPERSON LEH: Okay. Representative  
15 Levdansky.

16 REPRESENTATIVE LEVDANSKY: Thank you, Mr.  
17 Chairman. I just want to follow up on a point made by  
18 Representative Leh. And maybe you can help me. I want to  
19 make sure I understand this. Under, under present law,  
20 local police departments use VASCAR and other speed-timing  
21 devices.

22 MR. LEONARD: Correct.

23 REPRESENTATIVE LEVDANSKY: Correct me if I'm  
24 wrong. But when they fine a citizen for a violation of the  
25 Motor Vehicle Code for speeding or whatever, that local

1 government receives all the revenue from that particular  
2 citation; is that correct?

3 MR. LEONARD: I don't believe that's right. A  
4 portion of it.

5 REPRESENTATIVE LEVDANSKY: Yes, yes.

6 MR. LEONARD: And a portion goes to the state.

7 REPRESENTATIVE LEVDANSKY: Okay. And under  
8 present law, when the state police enforce speeding laws  
9 using VASCAR or radar and they write a citation, a portion  
10 of the revenue from that citation goes back to that  
11 municipality as well.

12 MR. LEONARD: That's my understanding.

13 REPRESENTATIVE LEVDANSKY: So we have state  
14 police, who are paid for with state taxpayer dollars,  
15 enforcing the speeding laws and yet local governments get  
16 revenue from it.

17 MR. LEONARD: Correct, some.

18 REPRESENTATIVE LEVDANSKY: Like a windfall.  
19 Like, they don't incur any costs because it's state police.

20 MR. LEONARD: Correct.

21 REPRESENTATIVE LEVDANSKY: But they derive the  
22 revenue.

23 MR. LEONARD: Correct.

24 REPRESENTATIVE LEVDANSKY: I mean, you heard  
25 what Representative Leh said. I mean, maybe while we're

1 dealing with this issue of equity and cost of enforcement,  
2 we ought to deal with, with it on both sides, too. I mean,  
3 I can understand where if local governments using -- if we  
4 permit them to use radar and they're paying for their  
5 personnel and they're paying for the equipment, there is an  
6 argument that can be made -- and I'm sure it will later  
7 on -- by local government officials that they deserve the  
8 revenue from that.

9           But if that's the case, the situation where  
10 the state police are doing the enforcement, then maybe the  
11 state ought to derive all the revenue from that since it's  
12 the state that's incurring the cost.

13           MR. LEONARD: That's something that could be  
14 looked at. But what you just mentioned is if the local  
15 municipalities garner any revenue, there becomes a point, I  
16 think, in which you question what is it really being used  
17 for. Is it the enforcement of traffic safety, or are we  
18 putting more people out there simply to use the radar and  
19 generate revenue?

20           I can't say for certainty that that would  
21 happen, or I couldn't point a finger to anywhere that it  
22 would happen. I'm just saying that that is a concern.

23           REPRESENTATIVE LEVDANSKY: Maybe some of the  
24 above. Maybe all of the above.

25           MR. LEONARD: Possibly.

1 REPRESENTATIVE LEVDANSKY: Thank you.

2 CHAIRPERSON LEH: Okay. Thank you. Paul  
3 Parsells.

4 MR. PARSELLS: Ted, real quick. I know you've  
5 done these surveys in the past. And I'm wondering if they  
6 have changed because a lot of our municipalities, a lot of  
7 our members have heard that, a lot of complaints about  
8 speeding; and they're looking for solutions for speeding.  
9 But yet most of the comments that we've heard also were  
10 very opposed to local radar.

11 Have you seen any shift in your surveys? Has  
12 there been an increase in interest in radar?

13 MR. LEONARD: Well, anticipating that  
14 question, Paul, I did go back and look at our past surveys  
15 over the past few years. We do them every 2 years, and I  
16 went back and checked a couple of them. The results have  
17 been pretty similar, pretty much split down. As I said, 51  
18 to 49. There's really never been a wide variance on this  
19 issue.

20 MR. PARSELLS: Thank you.

21 CHAIRPERSON LEH: It was just pointed out to  
22 me by Eric Bugaile that we are just talking about a \$25  
23 fine; in other words, not, not any other costs that they  
24 could attach. Another question on top of that is I guess  
25 the concern I have -- and it was pointed out to me by a

1 motoring activist. And that was, his concern was if the  
2 state would collect the revenues, what would prevent us  
3 from encouraging local police to up their quotas?

4 I mean, we're just as guilty as being money  
5 grubbing as anybody else. So I mean, that's a concern  
6 that, that I have, too. I don't see that as necessarily a  
7 solution, simply saying that, Well, you know, we don't  
8 trust the local municipalities to handle such, such monies  
9 and such revenues. We trust the state government.

10 Well, I have just as much concern about state  
11 government being in charge of collecting those funds for  
12 the obvious reasons.

13 MR. LEONARD: I think the local police would  
14 probably tend to be more responsive to their local  
15 municipalities.

16 CHAIRPERSON LEH: Any questions on my left  
17 down here? We have two new members that -- oh.  
18 Representative Tony Melio.

19 REPRESENTATIVE MELIO: Yeah. My question is  
20 to Representative Leh. Is this going to be on -- like, if  
21 you have a 25 mile speed limit, is this going to be used on  
22 those roads?

23 CHAIRPERSON LEH: All the roads -- and I'm  
24 assuming that this will come out in other testimony. All  
25 the roads where radar will be allowed to be used, those

1 roads have to be certified the same as PennDOT certifies  
2 the highways on which they set the speed limits.

3 REPRESENTATIVE MELIO: Because there's some  
4 roads, even here in the Harrisburg area, where you have 2  
5 lanes and it's like a 35 mile speed limit. And most of the  
6 people that drive there go over that 35 mile speed limit  
7 because there's 2 lanes, 4 lanes.

8 CHAIRPERSON LEH: Yeah. Certifying the speed  
9 limit is simply using PennDOT's criteria to adopt the  
10 proper posted speed for that road. And therefore, I think  
11 there was some concern that municipalities could just go  
12 out and we could have a 4-lane highway that was capable of  
13 taking traffic 55 miles an hour in a township that put up a  
14 25 mile an hour speed zone and a police car with a radar  
15 gun at the end of it and collect a lot of money.

16 But that's not the case. They would have  
17 to -- any highway that they use radar on has to be  
18 certified. So we have, I think we have two members that  
19 have showed up. Representative Jere Strittmatter from  
20 Lancaster County and Representative Stetler from York  
21 County. Any questions from you folks? (No response.)

22 Okay. That being said, Ted, thank you very  
23 much. Appreciate it. And this committee always  
24 appreciates and is very respectful of the fine work the  
25 AAAs do. So thank you.



1 MR. LEONARD: Thank you.

2 CHAIRPERSON LEH: Thank you very much. Next,  
3 Mr. Don Bailey, a name that's very familiar here to us in  
4 Harrisburg, and Crystal Lyde. Is that how you pronounce  
5 your name, Ma'am?

6 MR. BAILEY: Crystal Lyde.

7 CHAIRPERSON LEH: Lyde. Okay. That's okay.  
8 Take your time. Gather yourselves together. Begin at your  
9 own, in your own good time.

10 MR. BAILEY: Forgive me for rushing up here.

11 CHAIRPERSON LEH: No problem. Thank you for  
12 coming today. We appreciate it.

13 MR. BAILEY: Thank you, Sir, very much. I  
14 could submit some prepared remarks a little later, Mr.  
15 Chairman, members of the committee. Hi, Jess. How are  
16 you? How are you doing? And I'll be happy to do that if  
17 someone would want me to do so.

18 When I was requested to come down and offer  
19 some, some testimony, one of the things that I did want to  
20 do, I invited Crystal Lyde. I think you probably, because  
21 of her technical knowledge, might really have more  
22 questions of her than you would of me.

23 I plan to be very brief since she's had  
24 experience in working the field with Pennsylvania State  
25 Police, both in the airplane and on the ground, with radar.

1 It's been some years, of course, since I was Auditor  
2 General and some years since we did an investigation into  
3 some of the problems associated really at the time with  
4 program audit-type work on the certification process  
5 surrounding the utilization of speed verification means.

6           And I don't have that report. But in the  
7 process of doing the program audit, I'm going to share with  
8 you, for what it's worth, some opinions and some  
9 recommendations. And I'm going to do that more from the  
10 perspective of someone who's been outside of government for  
11 many, many years and someone who's now involved as a lawyer  
12 in private practice and someone who is a civil rights  
13 lawyer in private practice.

14           And when we talk about civil rights, typically  
15 we bring to mind issues having to do with sexual  
16 orientation and/or sex harassment and/or race issues  
17 because they're the politic or sexy media-type issues. But  
18 really, most of the civil rights work I do -- and I  
19 represent incidentally many, many police officers, believe  
20 it or not -- really have to do with interfaces where  
21 people, usually as a matter of principle, feel very upset  
22 about what's happened to them in the process of law  
23 enforcement.

24           And let me begin my remarks by saying that the  
25 vast majority of our police officers are fine people.

1 They're dedicated people. They work very, very hard. I'm  
2 going to recommend to you, however, that you not give the  
3 kind of powers that I believe you're considering giving to  
4 local police officers. A number of reasons for that.

5 I'm going to rely largely on my memory of the  
6 work that we did in investigations. And the second thing  
7 I'm going to do is try to bring your attention to something  
8 that we learned about other countries. We did some work in  
9 Canada on the issue and in other states that are very  
10 different.

11 Pennsylvania has the largest number of small  
12 municipalities, small municipal corporations and  
13 jurisdictions than any other state in the union to my  
14 knowledge. I may not be correct on that, but I believe  
15 that they do.

16 One of the problems with the technical means  
17 available to local police forces in using radar, for  
18 example, to enforce speed verification is a jurisdictional  
19 one. Many boroughs are small. The access to many boroughs  
20 transportation-wise is relatively limited or lies in a  
21 limited kind of a circumstance where simply citing a  
22 vehicle properly, identifying a vehicle in traffic  
23 properly, or stopping and pursuing that vehicle augments  
24 conflicts which frequently occur at the local level between  
25 jurisdictions. It's a very, very common problem.

1           You have to know here in your capacity as  
2 transportation members that I'm sure you hear frequently  
3 about pursuit problems, interference of local police in  
4 pursuit jurisdictionally on speeding problems and other  
5 jurisdictions, et cetera. I think that turning that, that  
6 trigger over, I think, is going to create that problem.

7           And again, I'm not commenting negatively on  
8 local police forces. They are, however, underpaid. They  
9 are undertrained. Frequently, the officers are shared in  
10 jurisdictions. And whether any of us like it or not -- and  
11 this is an opinion from me. Again, an outsider looking  
12 in -- I think that there's going to be a tendency, perhaps  
13 it would be relatively rare -- I would hope -- to use the  
14 speeding, speed enforcement laws and particularly the radar  
15 mechanism as a way to raise money, as a way to finance and  
16 pay for the cost of local police enforcement which every  
17 small municipality wants.

18           I think it's extremely unwise for you to  
19 really turn that kind of power over to local law  
20 enforcement. And a lot of folks don't want to say that,  
21 but I will say it. I think that the vast majority of your  
22 people out there are going to behave. They're going to be,  
23 they'll behave very well.

24           Many of your local municipalities are going to  
25 treat you very well. They're going to treat the citizens

1 very well. But here and there, you're going to develop a  
2 speed trap mentality. And that's not something you have at  
3 the Pennsylvania State Police that I find in my experience  
4 are extremely well-trained and extremely professional in  
5 what they do on a trooper by trooper basis.

6 I think you can develop all kinds of  
7 implications if you don't want to. And I'll add a couple  
8 other things to it because these are things that appeared  
9 where we had opinions and information offered to us when we  
10 did the investigation on the certification issue.

11 The economy today is relatively  
12 interdependent. You got many people out there that drive  
13 our roads that do wholesale and retail work. Speed  
14 changes, zone changes, speed limit changes can occur very,  
15 very rapidly.

16 You know, do you want to be the state that's  
17 going to be viewed by people from outside and people that  
18 want to do business as a place where you got to watch for a  
19 speed trap here or there or you have to be concerned about  
20 going and doing business?

21 I don't think you're going to find that the  
22 powers that a police officer has today -- and incidentally,  
23 if a police officer observes you going down a street and  
24 that police officer can go before a magistrate -- and  
25 police officers don't lose in front of magistrates, ladies

1 and gentlemen. Not very often they don't.

2           That's a relatively friendly environment for  
3 those folks. It's the way law enforcement is in  
4 Pennsylvania, and it's a reality out there. The fact is,  
5 that police officer can testify as to speed. And if that  
6 police officer feels strongly that you're doing 20, 30, 40  
7 miles over, excessively over an excessive speed in a speed  
8 zone, that officer, all that officer has to do is cite you.

9           He can take you into that magistrate's  
10 hearing. He can testify to that information. The  
11 magistrate can make a decision as to who's telling the  
12 truth and render a judgment. I think you'd be making a  
13 terrible mistake for Pennsylvania's economy.

14           I think you'd be increasing the burdens on our  
15 already overburdened criminal justice system. You know you  
16 have a right of de novo appeal to a Common Pleas Court  
17 system now. From a magistrate's decision, you wouldn't  
18 have that in the case of a traffic citation.

19           I know all you know these things. And I'm not  
20 talking down. Please forgive me. But I think it would be  
21 a terrible mistake. I think if we all really knew what  
22 went on with those lines they draw on the road -- I can  
23 take, I can take everyone up there and I'll put a stopwatch  
24 in your hand.

25           If I draw those lines close together, I'm

1 going to -- I'll tell you what. I'll bet you next year's  
2 salary you won't get, you won't get two or three of you to  
3 get the same time when you're trying to operate that kind  
4 of approach on who's crossing what line. You can't do it.

5 Now, you spread those lines out, you give  
6 somebody a vantage point where they can view those lines  
7 and they're a quarter of a mile apart, you'd start to get  
8 some relative, some relative accuracy to the point where  
9 just about anybody can do that kind of work.

10 Radar, this young lady here can testify -- and  
11 I'm going to turn the mike over to her. I've spoken too  
12 long already. Although, you're kind listeners. And she  
13 can tell you about some of the problems. And I don't know  
14 if the state police have taken a, an official position. I  
15 hope that they have.

16 And I hope they would oppose this legislation  
17 because I think they -- my understanding is they haven't  
18 taken a position on it. I wish they would speak to it.  
19 Ladies and gentlemen, from the standpoint of your average  
20 citizen out there, this would be an error.

21 Police officers have good, they have a good  
22 quiver of arrows that they can use in cases of abuse. And  
23 we don't need more interference. It's ironic. Republicans  
24 and Democrats need to get together on civil libertarian  
25 issues. I really think that's where we all ought to

1 agree -- and I think we all do -- about the rights of our  
2 citizens.

3 Turn you over to Crystal Lyde. Thank you very  
4 much. Tony, how are you doing?

5 MS. LYDE: Good afternoon. It's a pleasure to  
6 be here. I was a Harrisburg police officer from '79 to  
7 '80, and I was trained at the Pennsylvania State Police  
8 Academy during that time period. I went to the State  
9 Police Academy the following year as a trooper and  
10 retired -- can you hear me okay?

11 CHAIRPERSON LEH: Can you just move the mike  
12 just a little bit nearer? Can all the members hear her?  
13 Okay. Go ahead. Try it now.

14 MS. LYDE: Okay. I was with the Pennsylvania  
15 State Police until 1999 when I retired. I was certified as  
16 an AOV, an aerial observer, where we went up in a fixed  
17 wing and clocked by air. And I also used the radar by  
18 myself and with other individuals with the radar details,  
19 federally funded programs and so forth.

20 I do have a prepared statement which I'd like  
21 to go over now. And if you have any questions, I'll  
22 entertain them afterwards.

23 Radar is a tool of power. Properly used in  
24 the designated hands of the Pennsylvania State Troopers on  
25 major highways of Pennsylvania, radar has enforcement power



1 to create a safe speed environment for those traveling in  
2 the Commonwealth.

3           Radar in the hands of local police departments  
4 creates a power that threatens the lives and futures of the  
5 people in an area where it cannot provide the same safety  
6 issues in their jurisdictions but instead cuts short the  
7 lives of a people of purpose and destiny.

8           The power radar holds in the hands of the user  
9 can be corrupt. Radar was designed to create a situation  
10 and circumstance for the motoring population of the  
11 Commonwealth of Pennsylvania to adhere to the Vehicle Code  
12 laws of this state.

13           Pennsylvania State Troopers are then to apply  
14 the letter of the law versus the spirit of the law while  
15 submitting themselves to the guidelines of the field and  
16 administrative regulations of the department. I am not  
17 insinuating that state police officers have less  
18 opportunities for the power of corruption with the radar  
19 unit than local police departments would have.

20           If that were the case, we wouldn't have  
21 situations such as driving while black, police brutality,  
22 and other circumstances of the like on the highways of this  
23 Commonwealth perpetrated by certain state police. What I  
24 have been led to say in truth is that when radar is in use,  
25 it should be in a location that is free of situations that

1 lack safety and circumstances that once the officer has the  
2 alleged violator in sight, that the operator would not lose  
3 sight of the vehicle, thus ensuring the correct violator  
4 has been stopped.

5           How much of a high speed pursuit would that  
6 officer have in attempting to stop that vehicle? How  
7 many roads in this Commonwealth -- local police  
8 jurisdictions -- have locations that are designed to handle  
9 high speed pursuit or even a case where a vehicle would  
10 turn a corner, the officer lose sight and stop the wrong  
11 vehicle or in his zeal or her zeal to make an arrest only  
12 to become the top pinch person -- traffic arrests  
13 made -- at their department to get special benefits from  
14 their chain of command?

15           Are you willing to sell your souls for a  
16 hidden quota system for radar arrests that you know have  
17 the potential to develop and breed corruption in the name  
18 of revenue for the local police departments? Are you  
19 prepared to return to these types of hearings to hash over  
20 the same issues should this pass?

21           How many times does an officer have to display  
22 the power to stop someone by using his radar to inflict  
23 their own personal prejudices against a population not  
24 readily prepared to defend themselves? How many children,  
25 elderly and families need to be struck, run over, killed,

1 their futures devastated by permanent bodily injuries that  
2 could cut short their physical talents that they have been  
3 purposed for in this life?

4           How much blood would be on your hands at the  
5 time of judgment before you wake up and understand that  
6 again it may be a family member of yours that suffers at  
7 the hands of a situation and circumstance where a local  
8 police officer exercises his power in a reckless manner in  
9 the use of radar that will cause devastation?

10           What will it take to remove the scales over  
11 your eyes to say no to a situation and circumstance that  
12 you have been ordained with the power to deny the use of?  
13 I'm sure you're aware of tunnel vision that occurs when an  
14 officer's adrenaline gets so pumped up that he or she can't  
15 see to the left or right.

16           In a man's need to succeed financially, malls  
17 and housing developments are being built in places that  
18 would have been safe for radar. Now strings of traffic  
19 lights are commonplace and create an unsafe haven for the  
20 use of radar in these local jurisdictions. You're just as  
21 guilty as the officer causing the devastation if you  
22 unleash that power in their hands.

23           We have good people in our local and state  
24 police departments. Blessed are the peacemakers, for they  
25 shall be called the sons of God. What happens when you

1 give that power of the use of radar to that negative  
2 element that exists in every facet of life, that negative  
3 element that exists and grows in evil, a power that infects  
4 and is infested in the police officer who becomes that hot  
5 dog cop, that they become so enveloped in the operation of  
6 the radar unit that they don't stop to patrol the high  
7 crime areas or make themselves available to be in a  
8 location where your daughter is raped, your home is  
9 burglarized, or your sons are approached by drugs and the  
10 peacekeepers, our servants to the public at large, are not  
11 in place?

12           Do you choose now to be in God's permissive  
13 will, or will you decide to make a change and be in his  
14 perfect will? He is raising up a people to meet their  
15 purpose and destiny? Will you be the one to aid his people  
16 in meeting their purpose and destiny that will glorify God,  
17 or will you be that source that will cut short everything  
18 that God has ordained in their lives at an intersection  
19 that purpose and destiny meet in the flesh, an intersection  
20 of death and destruction?

21           Will their blood be on your hands, or will  
22 your decision on this issue reflect a jewel on your crown  
23 for being in his perfect will to mandate what you know is  
24 right in your heart? I implore you to utilize your  
25 authority and deny the release the power to use the radar

1 has to the local police departments for the sake of the  
2 safety of the roads of this Commonwealth and the people who  
3 live and travel through it.

4 Of course, the choice is yours. Use wisdom  
5 and post a not for sale sign in your hearts on this issue  
6 and be that servant that you have been ordained to be for  
7 the purposed people of this Commonwealth you swore before  
8 God to protect.

9 I'm not insinuating that each and every police  
10 officer, local or state, are corrupt by nature. But every  
11 job and everywhere in each commonwealth, you have that  
12 element.

13 MR. BAILEY: I think that Crystal's weakness  
14 is that she doesn't feel strongly enough about this issue.

15 CHAIRPERSON LEH: Yeah. Where do you stand on  
16 the issue? At this time, I'd like to recognize Chairman  
17 Rick Geist to ask some questions.

18 CHAIRPERSON GEIST: If I may, are you  
19 practicing law now?

20 MS. LYDE: I'm a paralegal now.

21 CHAIRPERSON GEIST: The question goes to this:  
22 Have you read the bill as it's in print now at length?

23 MS. LYDE: No, I have not, not in its  
24 entirety.

25 CHAIRPERSON GEIST: We've addressed an awful

1 lot of what your comments were to try to balance this thing  
2 out. And the police officers that we have worked with in  
3 crafting this have been very aware of just about everything  
4 that you've said to the point that I've had a very  
5 unpleasant incident with a police chief who wants included  
6 in this, who I don't think in any way, shape, or form  
7 should be part of this and neither do the people that  
8 crafted the bill.

9           So I think that we're aware of it. And what  
10 we're trying to do is reach that heavenly balance, as you  
11 speak. And I think that Dennis Leh has divine guidance  
12 when it comes to all of this. Thank you.

13           MR. BAILEY: Can I do one brief comment, Mr.  
14 Chairman? It will be very, very brief. You know, there  
15 probably are ways to address some of those, some of those  
16 difficulties. And I'm sure that that's so. One of the  
17 real problems I think is when you get into radar, you get  
18 into limits.

19           You know, you get into -- if you got a 35 mile  
20 limit, how much room do you leave? Sometimes it's  
21 legislatively done. Sometimes it's done by custom and  
22 practice. Sometimes it varies. I can remember driving the  
23 Pennsylvania Turnpike at a time where if you were one mile  
24 over the limit, you'd be written up for that. At other  
25 times, you know, they'll allow you 10 miles an hour and

1 that sort of thing.

2 I just think what you're going to be creating  
3 is from the standpoint of how the public appears to move  
4 from municipality after municipality in the state.  
5 Sometimes you can, sometimes you can overregulate and  
6 overpolice. And it has a very negative effect on commerce  
7 and business and people just being out there and living and  
8 doing things because you're going to get unequal  
9 enforcement, even among the best of people.

10 CHAIRPERSON LEH: Representative Jess Stairs.

11 REPRESENTATIVE STAIRS: Yes. Thank you, Mr.  
12 Chairman. A question for Mr. Bailey and also the former  
13 trooper. And Don, you mentioned earlier about small  
14 communities, which we have a lot in Western Pennsylvania,  
15 across the Commonwealth.

16 But, you know, I'm aware that we have radar on  
17 the Turnpike and our major highways where distance is not a  
18 problem or it's easy, pretty easy to do. But in your small  
19 communities, not only do you have a short distance but you  
20 have curves, you have hills.

21 And do you feel that radar can be as effective  
22 in a congested area that's condensed, you might say, or a  
23 small area versus maybe a wide open highway as to -- what's  
24 the difference between the two? And I suspect a wide open  
25 highway would be much more effective. Maybe you can

1 address that.

2 MR. BAILEY: Well, there's a huge difference.  
3 First of all, there are line of sight mechanisms. And that  
4 means, you know, you got -- it's between the target  
5 acquisition and the, the measurement and the calibration  
6 that goes on if the machine does its job along with all of  
7 the costs because you're going to end up paying for them.

8 You're going to end up paying for  
9 certification. There's going to be an industry in  
10 certification. You have the same kind of calibration  
11 problems, incidentally, with DUI and the Breathalyzer  
12 devices. Their accuracy -- I'll say this publicly -- is  
13 not what we think it is. It is not.

14 One of the problems you mentioned -- I'll give  
15 you a good example, Jess, because it's right out in your  
16 district out there -- is with hills. Let's say you're  
17 coming up from Donegal there. You're going up 711. You're  
18 going up and down those little grades and over some of  
19 those hills there.

20 If you come down, if you break a crest of a  
21 hill on a radar and that machine can get a read or can get  
22 a read on you right away, if you're coming down the hill,  
23 depending upon where that thing picks you up, you might  
24 pick up speed. You might pick up 5, 10, or 15 over or  
25 quickly enter into a 35 mile zone.



1           I just think that the price you pay -- not  
2 because the good folks are going to do things wrongly  
3 because I don't think they will. But from time to time,  
4 you're going to bump into mentalities. And this is a  
5 problem. It was a problem in the south, a very, very  
6 serious one that they have largely eliminated.

7           And they're now viewed as more forward looking  
8 in many ways than we are. And I hate to see us go back.  
9 It's that you get those kinds of situations where even if  
10 you can work at it and try to eliminate those people that  
11 are unfair, there's no way to get the inequities out of the  
12 system, the curves, the zone, the turns, the vehicle's  
13 coming down the hill.

14           Somebody -- you know, you got, you got a big  
15 John Deere hauling a hay wagon. Somebody pulls out and  
16 passes. If they got a short period of time they got to get  
17 back in and go over, how do you accommodate those things?  
18 A police officer gets a couple local teenagers that become  
19 a problem and, you know, almost it becomes tempting to the  
20 point of, you know, it's whose authority's involved. You  
21 don't have that kind of thing with the state police.

22           And I'm not saying radar should just be  
23 confined to the highway either. But you can get the state  
24 police assistance, and there may be other ways. I think a  
25 blanket approval would be a financial and political error.

1 And that's the way I see it. I know that territory real  
2 well, those, you know --

3 REPRESENTATIVE STAIRS: That was my concern.

4 MR. BAILEY: Yeah. I think it's a real  
5 problem. I really do.

6 REPRESENTATIVE STAIRS: Thank you.

7 CHAIRPERSON LEH: The Chair now recognizes  
8 Representative Tony Melio from Bucks County.

9 MR. BAILEY: Hi, Tony.

10 REPRESENTATIVE MELIO: Don, do you know how  
11 many states other than Pennsylvania allow local radar by  
12 the local police?

13 MR. BAILEY: I don't know. No, Tony, I don't.  
14 I can tell you that in the western states, it's fairly  
15 common. You get into a state like Wyoming, I mean, I've  
16 been there and seen some of these things. You go into  
17 Cody, Wyoming. You know, you're at the east gate of  
18 Yellowstone, let's say, and you're driving and you come to  
19 a, you know, it's a 45 and then it's a 35.

20 Now, they have things where they tell you that  
21 speed limit's going to drop down so far ahead and that sort  
22 of thing. Now, people don't breathe beyond that speed  
23 limit at that place. They don't do that. Okay. But  
24 Wyoming is not a Pennsylvania.

25 I mean, you know, the entire population of

1 Wyoming make up a half of Allegheny County, if that. I  
2 think less. It's, you know, I think it's just all these  
3 multiple jurisdictions. But honestly, I can't tell you  
4 today. I think it's relatively small, but I could be  
5 wrong.

6 REPRESENTATIVE MELIO: The only other question  
7 I have is, Trooper Lyde, in your experience with the radar,  
8 you mentioned pursuit and you were up in the helicopter.  
9 And you said they may have to chase the individual. With  
10 the use of the photo ops now, would that make it  
11 unnecessary? Would they take a picture? Or do you think  
12 the pursuit's --

13 MS. LYDE: It really depends on the officer  
14 basically because if the officer is properly trained and  
15 they don't have that infestation of that hot dog cop  
16 mentality, you know, it could be safely done if it was a  
17 location that like you're saying with the photo, that that  
18 distance is there, that it can be covered.

19 But if there's no distance to cover from point  
20 A to point B to get the job done professionally and  
21 properly, then you're going to have the same issues again  
22 of safety and everything else because they're going to  
23 pursue. They just get the tunnel vision. Been there.  
24 Done that. And it's dangerous.

25 MR. BAILEY: Let me add one more thing to

1 that. One of the things that the state police will do is  
2 they'll tell you -- I represent, by the way, a lot of state  
3 police officers, believe it or not, in my practice. And  
4 one of the things they'll tell you they'll do, they like to  
5 see how that vehicle is moving if they can do that through  
6 a line or course of traffic, if they can do that, if the  
7 situation is set up for that.

8 Or they have a practice where if you're coming  
9 down the hill, at a bottom of the hill, we're not going to  
10 set up there, that kind of thing. Again, I think there are  
11 ways of technically you can do that. But, you know, you  
12 got to watch taking a snapshot of somebody's speed.

13 You know, somebody that goes 4, 5 miles over  
14 the limit -- I think the law now in clocking provides a 10  
15 mile, 10 mile cushion at speeds under 55, if I'm not  
16 mistaken. And, what, a 6 mile cushion, is it, above 55? I  
17 just think a lot of those things need to be taken into  
18 account.

19 You got to be real careful with what's your  
20 right. And remember, you see signs of somebody using it  
21 for revenue purposes, you got to stop that. We got quota  
22 systems going on right now in the state government and the  
23 Bureau of Professional and Occupational Affairs.

24 Quota systems are tempting to government units  
25 that have the pressure to meet budget requirements and

1 raise revenues. And boy, I'll tell you, local police  
2 departments are under huge pressure from councilmen and  
3 councilwomen to do that kind of thing. You just really  
4 need to be careful.

5 CHAIRPERSON LEH: The Chair now recognizes  
6 Representative Saylor.

7 REPRESENTATIVE SAYLOR: Don --

8 MR. BAILEY: How are you, Sir?

9 REPRESENTATIVE SAYLOR: -- I don't know which  
10 one of you or both of you. I got from your testimony is  
11 that you believe that if we give this ability to local  
12 police of radar, that you believe there will be a lot of  
13 racial profiling? Is that what I get from the gist, that  
14 you believe there will be more of that?

15 And if so, is that -- I mean, is there  
16 statistics out there nationwide that show this kind of  
17 stuff? I mean, I know the New Jersey case of talking to  
18 state police there. I think we seem to have a varied state  
19 police force in Pennsylvania. I don't think we've had much  
20 of that. But I mean, I'm looking at statistics. Do you  
21 have anything?

22 MR. BAILEY: Stan, I had a conversation close  
23 to -- I'm a great admirer of Morris Dees. He's a very  
24 famous and well-known civil rights lawyer that destroyed  
25 the Ku Klux Klan in America, at least at the financial end

1 of it.

2           And I had called him on a case I was working  
3 on because I needed some statistical information, some  
4 addresses and things to serve some people in a lawsuit. We  
5 had a little discussion. And he was talking about some of  
6 the white supremacists and Aryan nation types and that sort  
7 of thing.

8           And he said a very funny thing because I had  
9 been to the south and served in the Army in the south, been  
10 trained there. And when I was there -- and that was in the  
11 '60s -- it was really an oppressive place for people of  
12 color.

13           And he made a comment that burned into my  
14 mind. He said, Well, you know, it used to be the south and  
15 now it's the north and the west. Honestly -- I know we  
16 don't have time for it here -- if I showed you the things  
17 that came into my practice, racism is a horribly ugly thing  
18 that's very alive and well in Pennsylvania.

19           Pennsylvania racists now are happy to claim  
20 that they are vying with Georgia for the, for the  
21 leadership in number of members in the various KKK  
22 groups -- there's more than one. There's a number of  
23 them -- and some of the white supremacist groups.

24           And I think racial profiling would become  
25 an issue. And I don't think it's fair, though, to make

1 the presumption on where or what police officers.  
2 That's grossly unfair. And I don't think racial  
3 profiling -- although we expect more of our police, racial  
4 profiling is a reflection of a wider problem in American  
5 society, which I think we're all aware of.

6 Do I think that it would arise? Yes. I'll  
7 tell you what I think would really come up, though, that I  
8 see most often: Conflicts between young males living in  
9 local areas who, because the relationship with the police  
10 is not good, become singled out. And the police single  
11 them out for picking on them and picking at them that leads  
12 to terrible conflict.

13 One of the, one of the areas where I've done a  
14 lot of -- well, I don't want to get into it. I don't think  
15 that's fair. I'm not going to do that. I think it will  
16 become a problem. I think that you have to be, be careful  
17 because the nature of local law enforcement is not as  
18 detached as what you'd have on a state or a federal level.  
19 It can be incestuous, families, politics, people,  
20 personalities, et cetera.

21 And I think the tools can be made available  
22 without, without that, that radar thing there. A lot of  
23 ways you can clean it up. I know that. And I know you  
24 will. And I know you're not going to do it unless it's the  
25 right and best way to do it because I know that this has

1 been looked at for a long time. I think it will have a  
2 negative effect on business in Pennsylvania.

3 REPRESENTATIVE SAYLOR: I would appreciate it  
4 if you would forward to Chairman Leh or Eric Bugaile, the  
5 committee's executive director, any statistics or anything  
6 that you can provide the committee with on this.

7 MR. BAILEY: Okay. Yeah, I'll look it up.

8 CHAIRPERSON LEH: The Chair now recognizes  
9 Eugene McGill from Montgomery County.

10 REPRESENTATIVE MCGILL: Thank you, Mr.  
11 Chairman. First of all, I'd like to note I find your  
12 testimony outrageous and insightful. I think that the  
13 analogy that you drew was way out of whack. I think that  
14 you, putting the blood of children on us is outrageous that  
15 you would make a statement like that.

16 I can turn that right around and say what  
17 about the people in the neighborhoods where cars are flying  
18 down the street and we don't give our local police officers  
19 the opportunity to take a radar gun and stop that, that  
20 person from driving like a nut and running someone over.

21 I think you owe the Pennsylvania State Police  
22 an apology. I think you owe all of my local police  
23 departments an apology. For you to make a statement that  
24 they're not capable of doing this is just outrageous. And  
25 I hope we forget this testimony.



1 (Applause.)

2 CHAIRPERSON LEH: Okay. Excuse me. Let's not  
3 show a sound of applause or anything else. We do have  
4 hearings.

5 MS. LYDE: May I respond?

6 CHAIRPERSON LEH: Excuse me a second. Yes, go  
7 ahead. Do you have something to add or respond?

8 MS. LYDE: Yes, Sir.

9 CHAIRPERSON LEH: Okay. But make it brief,  
10 please.

11 MS. LYDE: Yes, Sir. As I said, not every  
12 police officer is that way. I've worked with local and  
13 state police officers, and there are some good people out  
14 there. I'm just talking about that percentage, that low  
15 percentage element.

16 REPRESENTATIVE MCGILL: Well, if it was a low  
17 percentage, you certainly didn't indicate it in your  
18 testimony.

19 CHAIRPERSON LEH: The Chair would also like to  
20 recognize some new members that have come, Representative  
21 Paul Costa from Allegheny County; Representative Dick Hess  
22 from Bedford, the late Dick Hess. I think that's it. Are  
23 there any other questions from the committee that we need  
24 to entertain at this time? (No response.)

25 Seeing none, I would just like to comment. I

1 guess I too felt that maybe some of the statements that  
2 were made were maybe a little over the top. It almost, it  
3 almost told me that because everybody is not going to be as  
4 pure as they should be, then we shouldn't really have  
5 people enforcing laws at all. And I don't think you meant  
6 that, but I think that's partially the way it came across.

7           In 1965, I was a sergeant in the MPs. I was  
8 only 19 years old. But one of my main jobs was running  
9 radar. Now, giving a radar gun to a 19-year-old is  
10 something the Army shouldn't even do because at that time  
11 we did have a lot of fun with it.

12           But I don't think, I don't think our local  
13 police operated with the irresponsibility that we used it  
14 as. And we did operate it irresponsible. But at the same  
15 token, I would say that the bill that we're trying to craft  
16 here is a bill that would meet a lot of the questions, not  
17 perfect because I always have the concern every time that a  
18 government agency or a body tries to meet every, every  
19 possible situation, you come up with something that's  
20 entirely impossible.

21           But nevertheless, I share your concerns about  
22 potential abuse. But at the same time, I don't share your  
23 opinions that, well, because there are going to be a small  
24 percentage that may abuse the system, that we throw out the  
25 baby with the bathwater.

1                   And -- but with that said, I thank you for  
2 your testimony. And I encourage you to work with this  
3 committee on your concerns. Don, you're -- be brief,  
4 please. We have a long way to go.

5                   MR. BAILEY: I will. You've been very kind.  
6 I thank you very much. I'm sorry the gentleman is upset.  
7 But I understand. I just think if you're going to make  
8 this move, look at it to integrate it with a whole bunch of  
9 other things.

10                   There's ways -- you mentioned a photograph.  
11 Give somebody a tape. I mean, there's a whole lot of  
12 things that can be done to make it better. You got a point  
13 system. It's very unfair to people in a lot of ways.  
14 Okay. Point systems are -- somebody gets a thing in other  
15 states, for example, from Pennsylvania. It's going to come  
16 points off of their license.

17                   CHAIRPERSON LEH: Well, under this bill here,  
18 you'd have to be 26 miles over before any points would be  
19 applied.

20                   MR. BAILEY: Okay. Well, that's --

21                   CHAIRPERSON LEH: I mean, we're trying to give  
22 every consideration to the motoring public to compensate  
23 for the possibility of abuse. But anyway, thank you very  
24 much.

25                   MR. BAILEY: I'm sure you will. And I thank

1 you very much for the opportunity. Thank you.

2 MS. LYDE: Thank you.

3 CHAIRPERSON LEH: Next, the Chair would like  
4 to call Mr. Gerald Taylor, a Pennsylvania activist in the  
5 National Motorists Association. I'm assuming you're  
6 representing the -- is he here? Mr. Gerald Taylor? One  
7 more time. Okay. We'll put him to the back.

8 Mr. Elam Herr, Executive Director, Assistant  
9 Executive Director of the Pennsylvania State Association of  
10 Township Supervisors. I always thought you were the  
11 Director.

12 MR. HERR: Thanks for the promotion. Don't  
13 tell my boss, though, please.

14 CHAIRPERSON LEH: Elam, good to have you  
15 before this committee. You can proceed when you're ready.

16 MR. HERR: Thank you. Mr. Chairman, I will  
17 skip what, most of what's in the testimony since you have a  
18 copy in front of you. I will hit very specific parts. We  
19 are very supportive of the concept of radar to be used by  
20 local police departments.

21 Presently, as you well know, municipal police  
22 do have several tools that they can use to check the speed  
23 of vehicles traveling through their municipalities, whether  
24 it be in timing them in their own vehicle, which has to be  
25 certified, or through other types such as VASCAR. It is a

1 speed-timing device that is used in Pennsylvania.

2 We want to thank the sponsor and this  
3 committee for looking at this issue. It is an issue that  
4 we feel is long overdue. Although we support the concept,  
5 we do have some questions and concerns specifically about  
6 1961; and that's where I will address my comments this  
7 afternoon.

8 Section 3368(c)(2) would require that signs be  
9 present in the municipalities enforcing radar to inform the  
10 public that radar is in use. Although we have no problem  
11 with that concept of placing signs, we do think it needs to  
12 be clarified whether these are to be permanent signs placed  
13 throughout the municipality stating that radar is an  
14 available tool within this municipality or you're using  
15 temporary signs that must be posted on those streets where  
16 you are running radar. We don't do that with other type of  
17 speed-timing devices. Why would radar be separated out  
18 under this issue?

19 3368(c), the placement of paragraph (2.1) does  
20 not quite make sense, particularly when you read it with  
21 paragraphs 2 and 4. (2.1) further defines paragraph (2).  
22 And we would suggest that paragraph (2.1) be renumbered as  
23 a subparagraph (2)(i).

24 If paragraph (2) were ever to be removed for  
25 whatever reason, then paragraph (2.1) as it stands now

1 would not make sense. We have no problem with applying the  
2 same cushions to radar that municipal police departments  
3 currently comply with when using VASCAR and other timing  
4 devices.

5 Under the current law, there is a 6 mile per  
6 hour allowance for zones of speed limits of 55 miles per  
7 hour and for VASCAR a 10 mile per hour allowance for zones  
8 of speed limits less than 55 miles per hour. We believe  
9 that the allowances for both VASCAR and radar and other  
10 timing devices as such should be uniform for the local  
11 police to enforce, for enforcement purposes.

12 We don't know what the rationale is for using  
13 a 6 mile an hour allowance for one device and 10 mile an  
14 hour cushion for the other device. I mean, if you're  
15 driving down the road and today we're using VASCAR, you get  
16 a 10 mile leeway.

17 But if you drive down using radar, it's only 6  
18 miles for the municipal police. And that doesn't make  
19 sense. And we feel that it should be uniform. And we  
20 would say use the 10 mile an hour by local police  
21 departments that is presently in the law.

22 Section 3368 -- or excuse me. Section  
23 1535(d)(2) would not allow points to be assigned for  
24 exceeding the maximum speed limit by less than 26 miles per  
25 hour if the offense was charged as a result of radar. We

1 feel that this is excessive and suggest that the current  
2 point system be followed or that points be awarded for not  
3 exceeding the maximum speed limit of 15 miles per hour.  
4 Again, we question why the requirement would be different  
5 for radar than the current penalties for a municipal police  
6 department that uses VASCAR.

7           Section 3368(c)(5) is confusing. Under  
8 (c)(2.1), the term full-service police department is used.  
9 But here in (c)(5), the definition is a full-time,  
10 full-service police department. Again, we suggest that  
11 term full service be used to make it clear in case there is  
12 any problems down the road if somebody would end up going  
13 before a magistrate.

14           Also, in (c)(5)(ii), the term investigative  
15 service is used. And we're not sure what this means under  
16 this section. Is it referring to full enforcement of the  
17 Vehicle Code, or is it all types of statutes? And I think  
18 that it should be spelled out so, again, it is clear when  
19 you're talking about what a municipal police department is  
20 supposed to be doing.

21           Section 3368(c)(5), the definition of  
22 full-time police officer in subsection (iv) should be  
23 removed entirely since it is irrelevant in this context.  
24 Only townships and boroughs are covered under the Municipal  
25 Police Pension Law, Act 600 of 56.

1           This subparagraph would prohibit police  
2 officers of cities from using radar. Instead, the sentence  
3 on page 4, line 12 concerning auxiliary, part-time, or fire  
4 police should become subparagraph (iv) under this  
5 definition. Our concern is, the way the bill is presently  
6 written, if you look at the pension laws, as I said,  
7 boroughs and townships are under Act 600.

8           Cities are under the Third Class City Pension  
9 Law. This, in defining a full-time police officer, would  
10 exclude those police departments. And I don't think that's  
11 what the intent was. And then we also just question why is  
12 the pension as one of the criteria for the officers.

13           If they're properly trained under the  
14 Municipal Police Education and Training Commission's  
15 requirements, which I think now is 720 hours, and to meet  
16 the other stipulations there, that should suffice to meet  
17 the definition of a full-time officer.

18           Section 3368(d) would increase the time period  
19 for testing of radar and LIDAR devices from the current 60  
20 days to 3 years. We feel that 3 years is a little long and  
21 would leave a citation open for challenge on the grounds  
22 that the device has not been tested in such a long period  
23 of time.

24           We believe that probably one year might be a  
25 little better. The reason for that is it would be very



1 easy for an attorney, in defending his client, to say, you  
2 know, where is that unit kept during the period of time;  
3 how many different police officers have used it; has the  
4 unit been dropped in a 3-year period of time?

5           It just seems to open too many questions when  
6 that officer would go in front of a magistrate. You shrink  
7 it down to a year, I think it's safe to say that you can,  
8 the police department could honestly defend that action.  
9 Presently, that's one reason the 60 days is in there. It's  
10 very easy to defend that the unit has been calibrated  
11 within a period of time, and it holds up when it is being  
12 challenged.

13           Just a technical change on page 5, line 30.  
14 The word corresponding is there. I think it's appropriate.  
15 And that's to represent the municipalities if you have more  
16 than one like in a regional police department.

17           We agree with the statement in 3368(g). The  
18 primary use for radar or any other type of speed-timing  
19 device is for traffic safety. It's not for revenue-raising  
20 purposes. I will not sit here and say that speed-timing  
21 devices in the past have not been used for revenue-raising  
22 purposes.

23           I will not say that might not happen in the  
24 future. But the intent of why you're giving radar to  
25 police departments is for the safety of the citizens within

1 those municipalities. We do have a problem with the  
2 defense for the citations if the primary purpose of the  
3 municipality's use of radar is to generate revenue;  
4 however, we contend that the 5 percent figure is arbitrary  
5 and needs further clarification.

6           Is this referring to the full face value of  
7 the ticket, traffic citation that a particular municipality  
8 issues? If so, the municipality issuing the citation  
9 receives less than 50 percent of the revenues from the  
10 traffic citation; and the rest goes into the various funds.

11           When you're stopped and, for speeding and you  
12 get a ticket, the actual ticket that you're getting cited  
13 for, half is kept by the municipality, half goes into a  
14 state fund. Above that amount, there are other things  
15 added to it -- and that could be the CAT Fund and some of  
16 those other funds -- which raises the cost of that ticket  
17 substantially. So we think that should be clarified a  
18 little more.

19           And 6109(11), we feel it does not make sense.  
20 The issue at hand is the ability of local police to use  
21 radar. Current law restricts the ability of local police  
22 to enforce speed restrictions on limited access highways  
23 unless the agreement, they have an agreement with the  
24 Pennsylvania State Police.

25           If the Pennsylvania State Police do not feel

1 that a municipal police department is qualified, for  
2 whatever reasons, to enforce the traffic conditions on  
3 these highways, they do not have to sign the agreement and  
4 give the authority to that police department.

5           If they don't have that authority, any  
6 citations that may be issued will be thrown out when you go  
7 in front of the magistrate. That is a reason for a  
8 defense. We question why the requirement for full-time  
9 officers employed by a full-service police department was  
10 added to this section since presently all municipal police  
11 officers and police departments, whether they are full time  
12 or part time, must complete the same course of study.  
13 There was no rationale for this.

14           If the Pennsylvania State Police feels that a  
15 particular department is qualified to do it, that should be  
16 a decision with the Pennsylvania State Police, not with, we  
17 feel, in this legislation.

18           And then we also question subparagraph  
19 (11)(ii) which allows Philadelphia to enforce speed  
20 restrictions on limited access or divided highways without  
21 the agreement with the state police. Our contention is,  
22 Why the exception? Our municipal police departments we  
23 feel are just as qualified as the City of Philadelphia's  
24 police department to do this.

25           If they are, meet the requirements of the

1 Municipal Police Education and Training Commission's  
2 requirements to become a police officer and they are  
3 properly trained to run the speed-timing device, whether  
4 it's VASCAR, radar or whatever, then I think they should  
5 have the same rights.

6 I think Philadelphia should have the same  
7 requirements to go through and ask the Pennsylvania State  
8 Police for that, that requirement.

9 Ladies and gentlemen, that's a quick synopsis  
10 of the comments we have. As I stated when I started this  
11 testimony, we support the concept that's encompassed in  
12 this piece of legislation. We just think a few of the  
13 technical things have to be addressed in order to meet the  
14 earlier statements by Representative Leh of trying to get  
15 as close to a perfect bill as possible. Thank you.

16 CHAIRPERSON LEH: Okay. Thank you very much,  
17 Elam. Just some comments by me. I mean, as I listened to  
18 your testimony, it almost sounded like you didn't like the  
19 bill at all. And I guess my concern is -- and if I was  
20 correct in some of the things you said, you had concerns  
21 about the restrictions on the, the potential revenue  
22 enhancement.

23 At the same time, you didn't like the  
24 restriction on only full-time officers and fully trained  
25 officers. But if you take those two concerns away -- or

1 not the concerns. If you take the protections away, you  
2 simply can hire a part-time officer, give him a radar gun  
3 and tell him to go to town, unless I misunderstood you.

4 MR. HERR: You misunderstood me.

5 CHAIRPERSON LEH: Or I was reading too much  
6 into some of the concerns you had with the bill.

7 MR. HERR: No. You might be reading some of  
8 the, too much into the concerns. I think you misunderstood  
9 when I was talking about the full-time, full-service police  
10 department. We are not objecting to the requirements that  
11 it has to be, at this time at least, has to be full-time  
12 police officers in a full-time, or a full-service police  
13 department.

14 What I brought up was in one portion of the  
15 bill, you talk about a full-time, full-service police  
16 department. In another part, you just talk about a  
17 full-time police department. What I'm saying is the  
18 terminology should be the same. That's all.

19 That was more of a technical comment than  
20 anything else. Yes. Although our resolutions say that all  
21 municipal police departments that are properly trained and  
22 qualified should have the right, we are stepping back from  
23 that to say we got to crawl before we run and we should get  
24 something like 1961 to see how it works and to prove the  
25 point that municipal police departments can fulfill the

1 requirements of the bill and provide radar the same as they  
2 do other types of traffic-timing devices.

3 CHAIRPERSON LEH: I know one of the major  
4 concerns that those on this committee have brought forward  
5 in trying to come up with a piece of legislation that gets  
6 us to where we think we want to go with the use of local  
7 radar; and that is, there is a fear among us that we do  
8 not -- we are afraid to allow part-time police officers the  
9 authority to use radar for fear of what might happen.

10 Now, maybe that's unfounded on our part. But  
11 I don't think you're going to see any, any compromise on  
12 this committee concerning that. So you're either going to  
13 have to work with us --

14 MR. HERR: As I said, we have no position, no  
15 problem with what's in there with having full-time officers  
16 in a full-service department. And we will accept that.  
17 When we got the use of VASCAR a number of years ago --  
18 longer than what I'd like to admit I've been around -- but  
19 there was the same issue with not only the part-time but  
20 the full-time police departments.

21 And we had to come out and show that it could  
22 be used. I think today you would see that in the  
23 majority of cases -- and again, I'm not going to say 100  
24 percent -- but in the majority of cases, those departments  
25 that use VASCAR and other approved timing devices are using

1 them with the intent for which they are intended; and that  
2 is traffic safety.

3 I think, Representative Leh, if you read my  
4 testimony, some of the concerns you have will be  
5 eliminated. In trying to summarize to go a little faster,  
6 I might have confused some of the members more than if I  
7 would have taken the time to read through because some of  
8 the comments in there are very technical, specific that  
9 you'd have to look at, especially like the one referring to  
10 the one section (2.1).

11 CHAIRPERSON LEH: I think you know me long  
12 enough that you know I'm easily confused. So --

13 MR. HERR: Almost as easy as I am. I can tell  
14 you that.

15 CHAIRPERSON LEH: The Chair now recognizes  
16 Paul Parsells.

17 MR. PARSELLS: Thank you, Mr. Chairman. When  
18 the former trooper that just spoke, it reminded me of a  
19 problem that I've dealt with with many of our members over  
20 the years. And it's a problem that we haven't discussed  
21 much on this issue, and that's diverting police officers  
22 from their law enforcement jobs.

23 And we've had problems where township police  
24 officers, for example, are out on interstate highways. And  
25 you sort of prompted me to really follow up with this

1 question when you asked, you know, why don't you have the  
2 same ability as Philadelphia.

3           And quite frankly, I'm not sure why this is in  
4 here. Do you want to be on interstate highways enforcing  
5 speed? And if so, that would, you know, support the  
6 argument that we keep hearing of this revenue issue.  
7 That's what we don't need if we were to pass this  
8 legislation.

9           MR. HERR: You've asked two questions there,  
10 and I'll start with the last one first. Do we want to be  
11 out on interstate highways? In some cases, we're asked  
12 even by the Pennsylvania State Police to patrol a 4-lane  
13 highway through our municipality because of concerns that  
14 they have.

15           Also, at times, our officers will work with  
16 the Pennsylvania State Police to do certain types of  
17 speed-timing devices. I can think of in my township in  
18 Lancaster County where the local police have worked with  
19 the state police in a major construction site because of  
20 excessive speeds in it.

21           They don't have the -- they being the state  
22 police -- do not have the manpower, and they asked the  
23 municipal police departments to provide it. So there is  
24 that. The second thing is with the issue that you talked  
25 about of other services.



1           One of the things that radar can do is free up  
2 some manpower because you can get away with one unit out  
3 there. Where VASCAR and others, you need the unit to do  
4 the timing and you need the chase unit. So that does  
5 potentially free up some officers to go out and do other  
6 investigative services. And I think that that would help  
7 in some cases.

8           MR. PARSELLS: And I agree. But I guess my  
9 point is, I live in Fairview Township, for example, where  
10 we have the Turnpike and I-83 running through my township.  
11 I'd be very upset if my police officers were on I-83. They  
12 have no business out there. I want them with that radar  
13 gun in my neighborhoods, in my communities.

14           So I guess I need to follow up then. Why do  
15 you want the same ability to be on interstate highways?

16           MR. HERR: Well, I'm not sure even with the  
17 radar. But the section that deals there does allow  
18 municipal police out there in those situations. By putting  
19 it under this provision, you're changing present status  
20 that's out there.

21           And maybe if you want to exclude it from the  
22 radar -- and I'm not sure if that's good, bad, or  
23 indifferent. I haven't thought about that. But the other  
24 ability for municipal police to be out there on those roads  
25 should be looked at from a different perspective.

1           Maybe they should be out there even if it's  
2 just helping the state police at those times.

3           MR. PARSELLS: Thank you.

4           MR. HERR: Mr. Chairman, if I can say one  
5 other thing. One that I didn't hit in here and I want to  
6 make sure that you know, we believe that the section that  
7 deals with the unit being visible, that also has to be  
8 clear.

9           We feel that it should be the car, the vehicle  
10 and not necessarily when you talk about unit because,  
11 again, I think somebody could say the unit is the radar gun  
12 that's attached to the window that's inside the car or  
13 outside the car and I didn't see it.

14           CHAIRPERSON LEH: Okay. Well, it's my -- and  
15 that was one of the concerns that I had. When I say a  
16 unit, I'm talking about a police car.

17           MR. HERR: Yes.

18           CHAIRPERSON LEH: I'm not talking about a  
19 little radar unit or a gun that a police officer holds.

20           MR. HERR: That's right. And I just want to  
21 make that clear because that's what we feel. We feel it  
22 should be a marked car out there because there's other  
23 traffic safety issues that are involved and other safety  
24 issues that are involved that have nothing to do with radar  
25 in that what's happening right now out in Allegheny County

1 where they have an individual or more that's dressing as a  
2 police officer and stopping cars.

3 CHAIRPERSON LEH: I think we have more  
4 questions for you. Representative Melio and then  
5 Representative Watson.

6 REPRESENTATIVE MELIO: Yeah, just one, Elam.  
7 You end your remarks, you say, Finally, Pennsylvania's the  
8 only state that prohibits municipal police from using  
9 radar.

10 MR. HERR: When we were doing the testimony,  
11 we did some research. And from what we could come up with,  
12 those states -- and realize the majority of states do not  
13 have cities, boroughs, and townships. It's, you know,  
14 county/city type of government. You have county sheriffs.

15 And what we could find out, we were the only  
16 one, if not one of two, that do not allow radar to be used  
17 by a department below the state police.

18 REPRESENTATIVE MELIO: Because I was under the  
19 impression New Jersey did not allow it.

20 MR. HERR: From what I understand, New Jersey  
21 allows their county, their sheriffs, police departments or  
22 whatever it is, to use it. And so what I'm looking at with  
23 that statement there, I'm looking from county on down.

24 REPRESENTATIVE MELIO: All right. Thank you,  
25 Mr. Chairman.

1                   CHAIRPERSON LEH: Okay. The Chair now  
2 recognizes Representative Watson from Montgomery County.

3                   REPRESENTATIVE WATSON: No, from Bucks County.

4                   CHAIRPERSON LEH: Bucks County.

5                   REPRESENTATIVE WATSON: And darn proud of it,  
6 Sir. Yes, Sir. But in any event -- and that does get to  
7 something -- actually, if we had done a little bit to make  
8 a segue there, it works. First point, though, before I say  
9 what I had intended to, I believe, Mr. Herr, when you were  
10 discussing previously the question in my own district,  
11 Route 309 is a limited access highway that absolutely does  
12 rely on local police officers to enforce speed regulations.

13                   It is also marked as one of probably the most  
14 difficult and treacherous highways in certain sections  
15 through the 144th District and then above in Representative  
16 Clymer's district for accidents. And it is certainly those  
17 officers it would be very helpful and I think it would be  
18 with the support of the state police. So I recognize their  
19 places.

20                   What I intended to say, Mr. Herr, was to say  
21 thank you very much for your testimony. And I know -- Mr.  
22 Herr and I know each other. So I'm not saying this. I'm  
23 saying it for the benefit of the others. But I sit here  
24 not just as a freshman legislator but as a former township  
25 supervisor and also as the former Director of the Bucks

1 County Highway Safety Program which allowed me to work with  
2 every police department in Bucks County at great, for 6  
3 years.

4           So I have a pretty good knowledge of all of  
5 those departments. I do not have a knowledge of all of the  
6 other departments across the state. I do not have a good  
7 working knowledge of all the other local municipalities. I  
8 do in Bucks County because I was also the Deputy  
9 Administrator for the county for a time. I've done a lot  
10 of jobs.

11           But in any event, the point being I've had a  
12 really hard time sitting here. First of all, local  
13 municipal officials do not sit there, at least the ones  
14 that I know. And I can only speak for Bucks and  
15 Montgomery, Chester, and Delaware. I apologize, but I  
16 never got out of my local area.

17           But they don't sit there trying to entrap  
18 their citizens, their neighbors, their friends, or people  
19 who live and work there and set up some kind of traps to  
20 generate revenues. Local police departments -- at least I  
21 will speak specifically to Bucks County and to the Bucks  
22 County Police Training Center. It's probably one of the  
23 best in the entire Commonwealth.

24           And I'd put it up against others across this  
25 country. And the local police departments in the County of

1 Bucks are highly professional and trained people. And I'd  
2 even put them up against the City of Philadelphia police  
3 officers. And I do know some of those folks pretty well.

4           And I guess what I've heard here is -- and I  
5 recognize the first gentleman in talking about the AAA.  
6 And I have done a survey of my constituents, and it mirrors  
7 that because there's a lot of concern about what will  
8 happen. So it's about a 50/50 split, yes, do radar and no,  
9 don't or, like, well, there is that time when I'm trying to  
10 get that child to school and I do go a little fast and I  
11 really don't want radar to catch me.

12           I understand all of that mentality. But I  
13 really have a hard time sitting here and at least thank you  
14 for shedding some what I'll call just simple light on the  
15 fact that this is a, basically is a good working bill. It  
16 represents -- and I'm new. And you all have spent much  
17 more time and years, from what I'm understanding, working  
18 on this issue.

19           But to me, when I read it, it was sensible.  
20 It addressed a lot of the issues. Can you tweak it? Can  
21 you do some things with it? Yes. But I didn't want to  
22 start from what seemed like the opening position here,  
23 which was municipal officials border on being corrupt;  
24 local police are totally inept. I have a real problem, and  
25 I will say that I have a major problem with that. I don't

1 see it. And I thank you for your testimony.

2 I did question, I guess, some things  
3 about the -- and I'm sure Eric will give us an  
4 answer -- about -- and I wondered that -- about the signs  
5 or, Representative Leh, whether or not -- I had assumed  
6 they were maybe permanent at the entrance to your township  
7 with the idea that just says, Hey, when you come into my  
8 home Township of Warrington, we've got radar. Please  
9 observe the speed laws. Do not go after our children, our  
10 dogs, or little old ladies trying to cross the street as  
11 you speed through our town, which by the way, we also have  
12 Route 611 and a few other big highways that we patrol, the  
13 township patrols. But we could use the tool of radar as  
14 just that, another tool. Thank you.

15 MR. HERR: Thank you.

16 CHAIRPERSON GEIST: Representative  
17 Strittmatter.

18 REPRESENTATIVE STRITTMATTER: Hi. Thank you,  
19 Elam. I want to go back to the testimony where we started  
20 over the years where I believe that the Second Class  
21 Township Association has been in support of being granted  
22 this authority; isn't that correct?

23 MR. HERR: Correct.

24 REPRESENTATIVE STRITTMATTER: Because I  
25 believe that by trying to make a, make a bill better, I

1 guess there has been some, some confusion. Usually when  
2 you're trying to get legislation passed, as you and I both  
3 know over the years, it's very easy to criticize and to  
4 enter and exit the marketplace to stop legislation.

5 But you have to have some people that are for  
6 it in order to have it go forward at all. What I'm afraid  
7 of is that if you're not for it and if you're not for the  
8 House Bill as it is now, who is going to be for it and  
9 who's going to push it forward?

10 So that's the one thing I just want to  
11 caution, that there has to be some times when trying to  
12 make the bill perfect, that there, you know, has to be a  
13 step back from the association. I would hope that -- you  
14 know, I know you're one person representing all of the  
15 groups and they have these concerns.

16 But I would hope that you would go back to the  
17 association that you represent and all the people who are  
18 for getting this, this added responsibility and rethink the  
19 position and the testimony because we can't go forward as a  
20 committee, the Chairman, the Subcommittee Chairman can't go  
21 forward to the Majority Leader and to the Governor and to  
22 the Senate and say we're going to move a, move a piece of  
23 legislation that people aren't supportive of.

24 You know, you never, you know, you never start  
25 off that way. There has to be at least some synergy of



1 support. And so I would ask that -- I believe the House  
2 Bill that's before us now is a very good compromise, a very  
3 good starting point; and someone should be for it. And if  
4 it's not you, then who will be for it?

5           And so if you do change your position, you  
6 know, to be for this bill, then I would ask that you get  
7 back to the Chairman and to the Subcommittee Chairman or  
8 else there's no reason for this legislation to be  
9 considered anymore because we have considered it for many  
10 years.

11           I know I have great concerns. We live in the  
12 same area. We hear from the same constituents about the  
13 fact that it's very unsafe. And people actually speed up  
14 when they see those little strips because then they know  
15 they're safe because they know they can speed up here until  
16 they get up to those strips.

17           And I think it's very dangerous in the  
18 neighborhoods when our police officers are forced to stoop  
19 to putting down these strips that actually cause more of a  
20 problem. And so I would ask that you go back to the  
21 association, try to get resolved at your, however soon you  
22 can do it, and find out that you're for this bill or not.

23           And if you're for it, then let the Chairman  
24 know; and we'll proceed. If we're not, then we know that  
25 we'll come back next session. Thank you.

1           MR. HERR: Can I just answer that? Basically,  
2 we're for the bill. But there are a number of things. And  
3 I think if you have time to look at the testimony and read  
4 it per se, they are technical changes that we feel need to  
5 be put into the bill or made so that once it would become  
6 law and hopefully become law, that we don't lose some  
7 citations because of technicalities that were in the bill.

8           The one that was just brought up about signs,  
9 it just needs to be clarified. If what I think  
10 Representative Leh was getting at is, you know, signs at  
11 the beginning, or coming into the municipalities, that  
12 they're not letting you putting them up right where you're  
13 running.

14           The bit with Act 600, I cannot see  
15 Representative Geist going back to Altoona and saying, Yes,  
16 we're giving it to boroughs and townships, police  
17 departments around you; but we're not giving it to the City  
18 of Altoona. Those are things I think can be tweaked to  
19 help this bill.

20           REPRESENTATIVE STRITTMATTER: I agree. And I  
21 don't disagree with that. But one that can't be that I  
22 believe that's been a compromise is one on points. And  
23 here -- and I brought this up, you know, to, to the person  
24 who very ably testified before you, who's a friend of ours,  
25 you know, who ably said that you're not for it if it goes

1 with these points.

2           And I asked. I said, Well, I hope that when  
3 you testify again that we would be for this bill. But you  
4 said in this that you didn't understand why it had to be at  
5 that level. And so that's one area that's not a technical  
6 change. That's pretty substantive of whether we're going  
7 to be able to get 102 legislators to vote for legislation  
8 that's going to add points.

9           MR. HERR: The gentleman that you're referring  
10 to -- we were asked to get some township officials in the  
11 western part of the state -- he was not speaking on behalf  
12 of the association. That's also in the testimony. He was  
13 speaking on behalf of his township.

14           I know he stated at that hearing that he was  
15 speaking on behalf of the association, and that was not  
16 correct. We had asked him at the request when Eric called  
17 us to say about if there was any townships in the western  
18 part of the state that would like to testify.

19           He misunderstood what we were saying and for  
20 any confusion that's there. We do have it in our testimony  
21 about the 26 miles an hour. We're raising it as a question  
22 there. We are not raising that necessarily that says that  
23 we oppose it. We don't think that it's appropriate, but we  
24 at least brought it to your attention that that concern is  
25 there.

1                   REPRESENTATIVE STRITTMATTER: But that goes  
2 back to my question. You raised it as an issue. Then you  
3 let it hang out there. If you're not for it, then nobody's  
4 going to be for it. And so if you hang it out there for  
5 all the detractors to say, Oh, even the Second Class  
6 Township thinks it's wrong or a question, that's my point;  
7 that I'd like to have the township officials that you  
8 represent be for something.

9                   So fine. You're against all of these things.  
10 Then be for something and then let the Chairman and the  
11 Subcommittee Chairman know. If that's as far as you can  
12 go, then great. But if not, then I think that these -- I  
13 thought that we were at that point.

14                   I mean, that's why I'm surprised now that I  
15 get this testimony because I don't see any reason why we're  
16 having these hearings if we're going back now and trying to  
17 take another bite out of the apple. So thank you, Mr.  
18 Chairman.

19                   MR. HERR: That's fine. You and I can talk  
20 later.

21                   CHAIRPERSON GEIST: Thank you very much,  
22 Elam. One more from Representative Levdansky.

23                   REPRESENTATIVE LEVDANSKY: Thank you. Thank  
24 you, Mr. Chairman. Elam, just kind of one technical  
25 concern I want you to educate me on and then just one

1 substantive concern. On the technical thing, you mentioned  
2 before that when a local police officer pulls over someone  
3 for a violation for speeding, for example, half of the  
4 value of the face fine goes to the local community and half  
5 of it goes to the state.

6 MR. HERR: Goes into a fund. Yes, Sir.

7 REPRESENTATIVE LEVDANSKY: Okay. If it's a  
8 state police that pulls over somebody on the interstate,  
9 how does that --

10 MR. HERR: Half is kept by the state police;  
11 half goes into that fund that --

12 REPRESENTATIVE LEVDANSKY: The local fund?

13 MR. HERR: The local fund. What it's set  
14 up is if a municipality has a police department today  
15 and there's a violation, the municipal police  
16 department -- I'll use Altoona. Altoona keeps half of it.  
17 Say it's a \$50 fine. They keep 25, and 25 goes into a  
18 state fund.

19 If the state police outside of Altoona are on  
20 a 4-lane and they stop somebody, the state police keeps  
21 \$25. The other \$25 goes into that state fund. Twice a  
22 year, that state fund is distributed back to  
23 municipalities, all municipalities, based on the liquid  
24 fuels formula.

25 Fifty percent of that money goes by road

1 mileage, 50 percent goes by population. That fund is  
2 approximately, if I remember right from several years ago,  
3 about \$11 million.

4 REPRESENTATIVE LEVDANSKY: Okay. So the local  
5 governments essentially receive all the revenue as a result  
6 of half of their share of local enforcement. And then they  
7 get the other, the state pot of money distributed, whether,  
8 whether that state pot is created by local enforcement or  
9 state enforcement?

10 MR. HERR: Correct. Correct.

11 REPRESENTATIVE LEVDANSKY: Okay?

12 MR. HERR: Correct.

13 REPRESENTATIVE LEVDANSKY: Okay. I appreciate  
14 that. Now, just one really difficult. I think this bill  
15 really -- the success of whether or not it passes or not  
16 really hinges on how we work out this issue of giving  
17 police, local police departments this enforcement tool to  
18 promote public safety balanced with not letting it become a  
19 generator of local revenues.

20 And there's a section of the bill on page 6  
21 that I'm a little concerned about. You mentioned that this  
22 5 percent cap on revenue generated is rather arbitrary.  
23 I'm not sure I even understand what this section means. If  
24 you look at the bill, it says that the primary use of radar  
25 is for traffic safety. It shall be a defense to

1 prosecution under this section if it can be demonstrated  
2 that the primary use of the device by local or regional  
3 police is to generate revenue.

4           It kind of suggests that if it's a secondary  
5 purpose -- the principal purpose is public safety. But if  
6 there's a secondary purpose of raising local revenue, it  
7 sounds like it's okay.

8           Then it goes on to say, The generation of  
9 revenue shall be demonstrated if the revenue, blah, blah,  
10 blah, blah, exceeds 5 percent. So correct me if I'm  
11 wrong. This isn't a flat out prohibition on using this as  
12 a revenue generator.

13           It's just kind of suggestive language to local  
14 governments that they ought not but as long as it's not the  
15 primary reason for doing it, you can still exceed the 5  
16 percent cap. I'm just asking you this just -- we don't  
17 use a -- how do we deal with this issue?

18           If we don't, if we don't use this section, I  
19 mean, what alternative do we have to make sure that this  
20 tool is not used as a generator for local funds for  
21 whatever local government use there is?

22           MR. HERR: This would be one way of doing it  
23 with the 5 percent. And what we raised were some questions  
24 to make sure that, what that 5 percent was going to and  
25 where they came up with 5 percent. But some of the

1 concerns that we have with this is: One, other  
2 speed-timing devices that we use and can use.

3           My township uses VASCAR. It does not need the  
4 strips. It has the type that has two units that they put  
5 on either side of the road that it goes through. They're  
6 already precalibrated. They just set them up. It works.  
7 My township does not use it as a revenue raiser. It uses  
8 it as traffic safety type of concerns. It's used because  
9 of, of complaints that they have within the municipality.

10           I think anyone who is opposed to the use of  
11 radar by local police can use the same arguments whether  
12 they're using VASCAR or any other type of, of speed-timing  
13 device. A municipality that wants to use it -- and I think  
14 earlier there was a reference to a part-time police  
15 department up the river here that used to stop a lot of  
16 traffic, especially on Penn State weekends.

17           And he made a statement one time in the paper  
18 that that was paying for his, his position. That's not  
19 right. It's not fair. It's not what the intent of this is  
20 to do. You know, if we all followed the speed limit,  
21 nobody would need any type of speed-timing devices. But  
22 it's out there.

23           Will a municipality use it sometime? It's  
24 very possible. I can't sit here and say my members  
25 wouldn't say, one of my members saying, Yeah, go out there



1 and do this. I can't say that a police department, a chief  
2 wouldn't tell his, his patrolmen to go out and do that.

3 I like to think that if we get the ability to  
4 use this equipment under this piece of legislation, that my  
5 municipalities and their police departments would use it  
6 for what it's intended, the same as they're doing today;  
7 and that is for traffic safety within their municipality.

8 REPRESENTATIVE LEVDANSKY: Let me try this one  
9 other way, and then I'll just let it go. If right now half  
10 of the, half of the revenue derived from a ticket written  
11 by local police comes to the state and half of the value of  
12 a ticket written by state police for a violation comes into  
13 the state fund and all that money is distributed back to  
14 all the local governments --

15 MR. HERR: Correct.

16 REPRESENTATIVE LEVDANSKY: -- based on a  
17 formula, then my question to you is, Why don't we just  
18 eliminate this 5 percent arbitrary cap, let all the revenue  
19 come into the state fund, and then let all that revenue be  
20 distributed back to all the local municipalities that have  
21 police departments in the state?

22 How about that as an alternative to this 5  
23 percent admittedly arbitrary cap?

24 MR. HERR: There are some other issues with  
25 what other money is going into the fund. It's not all

1 coming in from radar. It's other uses. Municipalities  
2 that do not have police departments will argue that that  
3 money that's coming back is also going for traffic safety.  
4 They're using it back on their roads so that the roads are  
5 safe and everything else, signs, whatever that may be  
6 needed out there.

7           So that's another, another issue that you'd  
8 have to take into consideration if you look at that, just  
9 taking that money and putting it back to, to the police.  
10 You also -- and previously -- and I forget who made the  
11 statement -- is, you know, some of this money that comes  
12 back in does go and offset some of the costs. You got  
13 costs in putting your police departments out there.

14           Does it justify -- does it pay for your police  
15 officers and this unit? I don't think so. There's a lot  
16 of hidden costs when you put an officer out on, on the  
17 street. You know, you have to put the vehicle, the  
18 equipment. But you also are paying that officer when he  
19 goes in front of the district magistrate when there's a  
20 citation challenged and everything else that goes in there.

21           So municipalities that have police departments  
22 that are doing traffic safety, they have a cost.

23           REPRESENTATIVE LEVDANSKY: I mean, just for  
24 myself, I would rather deal with all these secondary and  
25 incidental issues than do something that some people are

1 going to accuse as being arbitrary.

2 MR. HERR: Understood.

3 REPRESENTATIVE LEVDANSKY: Thank you.

4 CHAIRPERSON GEIST: Thank you very much, Elam.

5 MR. HERR: Thank you, Mr. Geist.

6 CHAIRPERSON GEIST: Next up is a fellow that's  
7 had his fingerprints, footprints, and everything all over  
8 this legislation and has worked very hard at trying to put  
9 together a balanced bill; and that's Ed Connor, Chief of  
10 the Police in Ferguson Township. And he rooted for Miami.

11 MR. CONNOR: Thank you, Mr. Chairman. I have  
12 to apologize to the members. I'm a police officer. I must  
13 stick to the facts. I will not be able to use innuendos,  
14 supposition, assumption, or half-truths in any of my  
15 comments. I'm not an attorney.

16 CHAIRPERSON GEIST: Can you use the  
17 microphone?

18 MR. CONNOR: I also would submit the former  
19 state police trooper did not speak for the Pennsylvania  
20 State Police or the State Troopers Association, with whom  
21 we have been working very closely on this bill. This is  
22 not my bill. It is not the Chief of Police bill.

23 This is a bill from law enforcement in  
24 Pennsylvania. And we built the foundation of this bill  
25 after we dealt with all of law enforcement, including the

1 state police, including the FOP, including the State  
2 Troopers Association. So we're not in this alone.

3 My name is Edward J. Connor. There's a  
4 misprint here. I'm actually a 37-year member of the law  
5 enforcement community. I did my first 22 years in  
6 Philadelphia. So I'm well-acquainted with I-95. I am  
7 currently the Chief of Police in Ferguson Township Police  
8 Department in Centre County, Pennsylvania. And on  
9 occasion, I do root for Penn State.

10 I am privileged to be the Chairman, or  
11 Cochairman of the Legislative Committee of the Pennsylvania  
12 Chiefs of Police Association; and I work as a member of the  
13 executive board. And for Mr. Melio, Sir, Pennsylvania has  
14 stood alone as the only state in the nation that does not  
15 allow municipal police to use radar.

16 And you can imagine how insulting that was  
17 when my 18-year-old, part-time police department son in  
18 Wildwood, New Jersey would come back and tell radar stories  
19 when he was working on the Rio Grande Bridge. So Jersey  
20 has for many, many years used that.

21 But we -- I have been at this fight for over  
22 14 years. And I know some of my predecessors have been at  
23 it longer than I have. This is the closest we've ever  
24 come. And I want to thank Mr. Geist and Mr. Leh who have  
25 persevered with me and have worked very hard along with me

1 to try to develop a bill that addressed all of your  
2 concerns and all of the concerns of the citizens of  
3 Pennsylvania.

4           The Pennsylvania Chiefs of Police have long  
5 recognized that there has been abuse by some departments in  
6 the Commonwealth of Pennsylvania of the speed-timing  
7 devices that we now employ. By and large, almost every one  
8 of these occurrences of abuse were by part-time police  
9 departments with part-time officers.

10           Some of our own members, our professional  
11 police officers, they are chiefs of part-time departments.  
12 They are not real happy with this bill. I can tell you  
13 that right now. But we are realists. We realize that  
14 unless we concede somewhere along the line, we are not  
15 going to get this vital tool that we need, primarily in  
16 residential neighborhoods, to address the concerns of our  
17 parents particularly about speeders and their children in  
18 developments and residential areas and school zones, for  
19 example.

20           Radar, like any other speed-timing device, is  
21 a tool. It's not, it's not a catchall or a work-all or  
22 do-it-all. We need our other tools also. But we need  
23 radar, again, particularly in the residential zones. The  
24 people who have used radar -- and there's going to be one  
25 person that testifies after me who has used radar

1 extensively, knows the difference between radar and VASCAR  
2 and the ESP and the other speed-timing devices we have. We  
3 are at a loss sometimes to address citizens' complaints  
4 with the devices we have now.

5           House Bill 1961, although, like I stated  
6 before, we are not entirely happy with it; but we're  
7 willing to go along with it. There are some tweaks and  
8 changes we've already addressed to Mr. Leh and Mr. Geist  
9 and Mr. Bugaile.

10           And to address some of the other members'  
11 concerns, Mr. Parsells, the limited access highways, we  
12 have and the Pennsylvania Chiefs of Police already  
13 addressed that in that the limited access highway access is  
14 only granted by members of the Pennsylvania State Police,  
15 by the administration of the Pennsylvania State Police,  
16 which is one reason this chief of police, if you will, in  
17 Dauphin, the chief of the one-man, one part-time person  
18 police department who wrote more tickets than the entire  
19 City of Harrisburg is no longer in operation because the  
20 Pennsylvania State Police, at our request by and large,  
21 refused that department access to the limited access  
22 highways.

23           That is the control that law enforcement,  
24 professional law enforcement has on the limited access  
25 highways. So we are well aware of your concerns. And

1 we're well aware of the concerns of people who have been  
2 trapped by speed traps. We don't want it. It reflects  
3 negatively on us, and we really don't want to have it. And  
4 we want to work very hard to eliminate that.

5           As far as the 5 percent, Sir, for the total  
6 revenue generation, what we did early on was we looked at  
7 municipalities that represented from the first class cities  
8 down to third class townships. And we looked at what their  
9 approximate revenues were, their total revenues, and looked  
10 at 5 percent.

11           We were appalled to find that there were  
12 actually municipalities who were doing at least 33 percent  
13 and sometimes more. We don't want that. That is not what  
14 police officers are expected to do. We are expected to  
15 fight crime. We are expected to enforce traffic safety,  
16 but we are not expected to go out and generate revenue.  
17 That is not what we should be obligated to do by our  
18 elected officials.

19           House Bill 1961 would provide legitimate  
20 full-time, full-service professional agencies the means to  
21 more effectively address issues of public safety through  
22 the use of radar and LIDAR. It would provide for the  
23 training of such officers and for the accurate, accuracy  
24 testing of the permitted devices under national standards.  
25 That's where we went to 3 years. And that's where we got

1 the 3 years from as opposed to 1 year because the national  
2 standards are 3 years.

3           Finally, and to some most importantly, provide  
4 for a defense to prosecution if it can be demonstrated that  
5 the speed-timing devices are being used primarily as a  
6 revenue generator. I am not going to reiterate the many  
7 obvious advantages to this bill that would provide for  
8 public safety.

9           These points have been stated and restated by  
10 most of the representatives from law enforcement, public  
11 safety, public official and citizens associations who have  
12 already testified in favor of the legislation. I would  
13 like to point out, though, the significance of 1961.

14           Nineteen sixty-one was the year the  
15 Pennsylvania State Police were given the use of radar.  
16 During that time, over 150 of our municipal police officers  
17 have given their lives for this state and the people in  
18 this state.

19           During that time, those officers and the  
20 officers who are present now have fulfilled the same  
21 duties, responsibilities, and obligations as our brothers  
22 and sisters in the Pennsylvania State Police. We go to  
23 basically the same police academy.

24           We have mandatory in-service training. And  
25 most police departments go far beyond the mandated



1 in-service training. So we are not lesser citizens. I  
2 would ask you, Can you in good conscience expect us to  
3 continue to do that?

4 And for those representatives who made  
5 positive statements for local law enforcement, I sincerely  
6 thank you. Would you consider -- or would you expect our  
7 brothers and sisters in law enforcement to continue to lay  
8 down their lives day in and day out and yet not entrust in  
9 them a tool that they need to protect our citizens?

10 We in law enforcement have worked long and  
11 hard to address your every concern on this issue. We will  
12 continue to work long and hard. But now we respectfully  
13 request your support. Thank you.

14 CHAIRPERSON GEIST: Would you like to  
15 introduce the other lady that's with you?

16 MR. CONNOR: I'm very sorry. To my right is  
17 our lovely Executive Director, Ms. Amy Corl. Amy is the  
18 Executive Director of the Pennsylvania Chiefs of Police.

19 MS. CORL: Good afternoon.

20 CHAIRPERSON LEH: Thank you very much, Chief.  
21 First of all, 1961, that's significant for me, too, because  
22 that's the year that I received my learner's permit. The  
23 definition for full-time officer, is that sufficient, do  
24 you believe? Or would you like --

25 MR. CONNOR: We can tweak that. That's not a

1 problem.

2 CHAIRPERSON LEH: Do we need some changes in  
3 that?

4 MR. CONNOR: I think there are some changes  
5 that have to be taken in that. We're more than happy to  
6 work on the definition. Some had pointed out that those  
7 departments who are working 12-hour days now instead of the  
8 standard 8-hour days do not work 200 days a year.

9 So yes, we do have to work on a definition of  
10 a full-time police officer.

11 CHAIRPERSON LEH: Also -- maybe this is a  
12 leading question here. It's going to put you on the spot.  
13 But the language in Bill 1961, is the language sufficient  
14 for you folks to do your job in the way to maintain safety  
15 on your highways?

16 MR. CONNOR: Yes, Sir, it is.

17 CHAIRPERSON LEH: With that said, as the  
18 Chairman, I'll recognize any questions. First, I'll  
19 recognize the Chairman, Representative Geist.

20 CHAIRPERSON GEIST: Ed, thank you very much.  
21 A question on the 15 mile an hour over, the no-point  
22 ticket. Would you explain how that all came about?

23 MR. CONNOR: Yes, Sir. The 26 mile an hour?  
24 Well, I'll go to 15. That's where we wanted it in the  
25 first place. Pennsylvania Chiefs of Police had

1 requested -- we'd give you 15 miles an hour for using  
2 radar. Twenty-six mile an hour came about because it's my  
3 understanding that the National Highway Transportation  
4 Safety Board has determined that 26 miles an hour over the  
5 posted speed limit is what constitutes reckless operation  
6 of a vehicle.

7           We don't agree. We are opposed to that.  
8 However, we will concede and we will go along with it if we  
9 have to. We prefer to see 16 miles an hour, but we'll live  
10 with 26. We need a tool out there, particularly in  
11 residential areas, to address citizens' concerns because I  
12 hate telling people right now, Listen, I need 3 officers to  
13 be out there to address traffic safety in your residential  
14 development when I don't have 3 working sometimes.  
15 Sometimes I'm down to one officer out on patrol. He can do  
16 it with radar. He can make the mothers real happy sending  
17 her kids off to school in the morning because they can't do  
18 it now.

19           And one other, if I may. There was a comment  
20 earlier about the amount of money we make. You know, the  
21 average ticket in Pennsylvania costs the average citizens  
22 \$93.50. We get \$12.50 out of that. It costs me money to  
23 have an officer write a ticket.

24           I don't see where we're making a whole lot of  
25 money. But if that's all we did in our existence, we'd

1 still work very, very, very hard to make 5 percent of our  
2 total revenue. So we're not in it to make money nor should  
3 we be. But there are some very small departments who are  
4 basically ordered by their locally elected officials to get  
5 out and generate revenue if they want a new police car.

6 That's ludicrous. That shouldn't be. We the  
7 Pennsylvania Chiefs of Police have no control over our  
8 members, but we have been rather successful in eliminating  
9 at least 3 of those departments from running on limited  
10 access highways.

11 And we have been somewhat instrumental in  
12 encouraging other of our members to withdraw that type of  
13 activity from the state highways because they're hurting  
14 us.

15 CHAIRPERSON LEH: The Chair now recognizes  
16 Representative Melio.

17 REPRESENTATIVE MELIO: Thank you, Mr.  
18 Chairman. Chief, just for my own benefit, information, you  
19 mentioned Wildwood, New Jersey. Is that a county function,  
20 or are you telling me that all of the municipalities in New  
21 Jersey are allowed to use --

22 MR. CONNOR: All of the municipalities are  
23 allowed to use radar.

24 REPRESENTATIVE MELIO: Thank you, Mr.  
25 Chairman.

1 MR. CONNOR: Yes, Sir.

2 CHAIRPERSON LEH: Okay. The Chair now  
3 recognizes Representative Paul Costa.

4 REPRESENTATIVE COSTA: Thank you, Mr.  
5 Chairman. Chief Connor, thank you for testifying. You  
6 just made a comment that if someone's asking you to patrol  
7 their neighborhoods for speeding, it takes 3 police  
8 officers?

9 MR. CONNOR: Yes, Sir.

10 REPRESENTATIVE COSTA: Could you explain that  
11 because Mr. Herr explained earlier that it's one to clock,  
12 one to chase. And I'm confused about the 3. Now, if you  
13 have radar, you can limit it to one?

14 MR. CONNOR: Yes. See, what happens is if you  
15 have -- when you have VASCAR, for example, most of our  
16 magistrates -- and that comment about police officers don't  
17 lose in front of magistrates, I don't know where those  
18 magistrates are, but I haven't run into a whole lot of  
19 them.

20 REPRESENTATIVE COSTA: Magistrates are elected  
21 officials.

22 MR. CONNOR: We -- no, I'm not going to say  
23 that. Most of our magistrates are ex-cops, believe it or  
24 not. And they're harder on us than the ones that weren't.  
25 But we do lose in front of magistrates. To answer your

1 question, if you use ESP, for example, you only need 3  
2 feet.

3 ESP is electronic speed preventer. I think I  
4 got that right. I was never a traffic cop in Philadelphia.  
5 I was in investigations. And I'll answer that question.  
6 Somebody had a question on investigative services. I'll  
7 answer that.

8 But ESP is 3 feet. So you have either 2  
9 strips on the highway itself or 2 beams going across that  
10 use LIDAR, and that electronically times the speed as you  
11 break those beams across those 2 wires. And you only need  
12 3 feet. So we can use that.

13 But the problem is you have the beams set out  
14 and you have the wires coming back into the patrol car.  
15 And there's the officer with the ESP device. He clocks the  
16 speed. Now, he either throws this \$4,000 machine out the  
17 window and takes off after you or he has a chase car.

18 That's what we need in residential areas.  
19 We'd have one at one end of the development, one at the  
20 other end of the development, and the third one running the  
21 ESP. Where radar, the officer can sit there in plain view  
22 in a marked car. He can have the lights on.

23 And as they come around that corner in the  
24 residential area, boom, got you. We're not out there to  
25 get people who accidentally come down somebody's hill and

1 pick up speed and do an extra 5 miles an hour. We're not  
2 even looking for the ones that pick up an extra 10.

3 But the ones that are doing 15 over the posted  
4 speed limit, they're speeding. They're not accidentally  
5 going over. They're speeding. They're the ones we want.  
6 We want the kids that are on their way home from school  
7 squealing tires on 2 wheels coming around the curves in  
8 residential areas. They're the ones we want.

9 We know there has been abuse. But look at the  
10 people who have abused it. They're not the professional  
11 police officers in this state. And somebody -- I read an  
12 article this morning that Barney Phipps said, or wrote.  
13 And I know Senator Corman made that statement not too long  
14 ago. I agree with it wholeheartedly. There are some out  
15 there, and we're doing everything in our power to eliminate  
16 them.

17 REPRESENTATIVE COSTA: Thank you.

18 MR. CONNOR: There was a question on  
19 investigative services. That means a police department  
20 that does complete investigative services following the  
21 initial report of a crime. In other words, if you have a  
22 burglary, they follow that through to completion or to the  
23 best of their ability to solve the crime, arrest the  
24 perpetrator and take them to court.

25 CHAIRPERSON LEH: Okay. Representative

1 Strittmatter from Lancaster County.

2 REPRESENTATIVE STRITTMATTER: Thank you.

3 Thank you, Chief, very much for your testimony. On page 5  
4 of the bill, it addresses one of the issues that detractors  
5 have brought when we haven't been able to pass this  
6 legislation in the past; and that's dealing with where the  
7 police officer will locate.

8 And in this case with this bill, we're talking  
9 about the police officer must locate -- and there's a few  
10 words in here -- in a location that is readily visible to  
11 the motoring public. In other testimony in Pittsburgh, it  
12 was talked about that there's a state police policy  
13 guideline that says something, you know, to the same  
14 effect.

15 Could you tell me what the chiefs of police,  
16 what the municipalities follow; and what is that policy;  
17 and what's the difference between the current policy now  
18 and what the policy would be in this bill; and what is the  
19 policy of the state police at this time?

20 MR. CONNOR: It's my understanding -- and I  
21 certainly want to make it clear that I don't speak for the  
22 Pennsylvania State Police. But it is my understanding that  
23 they have a directive or an order, if you will, that their  
24 vehicles must be readily visible by the motoring public  
25 when they're doing traffic enforcement.



1           In other words, no hiding behind billboards;  
2 but we can hide in plain sight. You don't have to be a  
3 rocket scientist to realize that if you sit out in the bush  
4 behind you and it's a light-colored bush and you have a  
5 light-colored police car, it's going to be hard to see.

6           We can pick out driveways that have other cars  
7 parked in them, but we're still out in plain sight. Nobody  
8 wants anybody hiding under manholes or getting behind  
9 billboards. You really don't have to. Again, we're not  
10 looking for the average citizen coming down the road  
11 daydreaming and going over a little bit. We're looking for  
12 real violators.

13           REPRESENTATIVE STRITTMATTER: So this would  
14 not create a contradiction. This would really just be  
15 enforcing what really is the law today?

16           MR. CONNOR: Yes, yes. It's nothing new. But  
17 there were some concerns by some of the members or some of  
18 the committee that wanted that addressed and put in there,  
19 and we had no objection whatsoever.

20           REPRESENTATIVE STRITTMATTER: Thank you very  
21 much for clearing that up.

22           MR. CONNOR: Yes, Sir.

23           CHAIRPERSON LEH: The Chair now recognizes  
24 Representative Levdansky.

25           REPRESENTATIVE LEVDANSKY: Thank you, Mr.

1 Chairman. Chief, I appreciate your testimony. You sound  
2 like someone who's pretty knowledgeable about this  
3 particular bill.

4 MR. CONNOR: I've only been at it a long time.

5 REPRESENTATIVE LEVDANSKY: Okay. I just want  
6 to make sure I understand how this 5 percent cap issue  
7 would be implemented. Okay. It says here that primary use  
8 of radar is for traffic safety, is for traffic safety but  
9 it shall be a defense to prosecution if it can be  
10 demonstrated that the primary use of the device is to  
11 generate revenue.

12 Does that mean that the local department -- if  
13 we pass this, does it mean that the local department could  
14 use radar and once they, once their ticket revenue for  
15 speeding by using radar reaches 4.999 percent, that after  
16 that, they wouldn't be able to use radar for enforcement?

17 MR. CONNOR: They could use it, but every one  
18 of their citations would be thrown out at the magistrate's  
19 level.

20 REPRESENTATIVE LEVDANSKY: If, if it were to  
21 be -- if the individual were to plead not guilty and take a  
22 hearing at the magistrate.

23 MR. CONNOR: That's true.

24 REPRESENTATIVE LEVDANSKY: Correct?

25 MR. CONNOR: That's true. But it's not just

1 radar. It's for traffic enforcement. We're not looking  
2 just for that radar bill. We're looking for all traffic  
3 enforcement, if all of your traffic enforcement reaches 5  
4 percent. And you know it only takes one citizen to make it  
5 clear that they are above 5 percent.

6 And if there's a municipality out there that's  
7 abusing it, it's going to be real clear real early.  
8 Everybody's going to be taking a hearing. They're out of  
9 business.

10 REPRESENTATIVE LEVDANSKY: Meaning ESP,  
11 VASCAR --

12 MR. CONNOR: Every one of them.

13 REPRESENTATIVE LEVDANSKY: -- and radar?

14 MR. CONNOR: Every one of them.

15 REPRESENTATIVE LEVDANSKY: By using all of  
16 those technologies, you could not generate revenue in  
17 excess of 5 percent of a local municipal's budget?

18 MR. CONNOR: Yes, Sir. You're not going to do  
19 it unless that's all you do. Now, there was -- and we're  
20 well aware of the local municipality right adjoining  
21 Harrisburg. I believe that that's all they did. They're  
22 not cops. They're not law enforcement.

23 REPRESENTATIVE LEVDANSKY: But there may be  
24 some circumstances. I mean, honestly, listening to some of  
25 the, some of the members talk about situations on state

1 highways in their districts, I mean, there may be a  
2 situation that would warrant writing tickets to promote  
3 safety that would generate 8 percent or 10 percent revenue.  
4 But under this bill, that wouldn't be allowed to be  
5 happening.

6 MR. CONNOR: You know, for any department to  
7 do that 5 percent, I'm going to be absolutely amazed  
8 because when we looked at it -- when I say we, it was a  
9 collection of police officers that did it initially. We  
10 looked at the money that came into each municipality that  
11 we selected.

12 And we had Philadelphia, Pittsburgh and a  
13 bunch of smaller departments and municipalities. Nobody  
14 got even close to 5 percent. Most of us were less than 1  
15 percent. So 5 percent is a tremendous amount of money per  
16 municipality.

17 REPRESENTATIVE LEVDANSKY: So you have the  
18 statistics that show what the present use by local police  
19 of VASCAR and ESP, how much revenue is generated?

20 MR. CONNOR: I would probably be able to get  
21 Elam Herr to get that a lot quicker.

22 REPRESENTATIVE LEVDANSKY: Okay. I'd really  
23 like to be provided with that information. That would be  
24 helpful. And just one final question. Rather than deal  
25 with this whole arbitrary 5 percent and, you know -- like I

1 say, in some municipalities, it may, it may be the right  
2 thing to do to write tickets to get good enforcement  
3 because of safety violations and dangers. Okay?

4           How about the idea that I postulated a little  
5 bit earlier about let's just take all this revenue written  
6 by tickets, whether it's written by state police, whether  
7 it's written by locals using either ESP, VASCAR, or radar,  
8 put it, collect it all at the state level with the  
9 requirement that the state take that revenue and distribute  
10 it out to all the municipalities so that we don't keep it?

11           MR. CONNOR: The problem with that, Sir, is a  
12 lot of the municipalities that get that money do not  
13 support their own police departments. And I know my  
14 elected officials would go right through the roof if I  
15 agreed to that because it wouldn't be a share, a fair  
16 return. Now, we don't generate --

17           REPRESENTATIVE LEVDANSKY: So you're saying  
18 local government -- I want to make sure I understand.  
19 You're saying local governments that don't employ local  
20 police --

21           MR. CONNOR: That's correct.

22           REPRESENTATIVE LEVDANSKY: -- presently have  
23 access to that specific state fund?

24           MR. CONNOR: That part of the state fund, yes.

25           REPRESENTATIVE LEVDANSKY: Well, maybe we

1 should create a separate restricted receipt account. I  
2 mean, I hear what you're saying. You're right. If they're  
3 not sharing the local burdens of providing for their local  
4 police department, they ought not receive revenue from  
5 this.

6 But why can't we create a separate restricted  
7 receipt account just to collect the revenue by local police  
8 use of, of radar and send that money back to those  
9 municipalities that employ their own police?

10 MR. CONNOR: I don't think you're going to get  
11 an argument there from law enforcement. But I think the  
12 argument would be from the elected officials, the locally  
13 elected officials.

14 REPRESENTATIVE LEVDANSKY: Okay. Thank you.

15 MR. CONNOR: Thank you, Sir.

16 CHAIRPERSON LEH: Let me just add something  
17 there. It's the intent of the legislation that once you  
18 reach the 5 percent, that doesn't mean the police officers  
19 cease writing the traffic tickets. But any additional  
20 revenue comes to the state over and above the 5 percent.

21 And maybe that's not really spelled out the  
22 way it should be in the legislation.

23 MR. CONNOR: Well, I think to me, that would  
24 clear up Mr. Levdansky's concern.

25 CHAIRPERSON LEH: Because otherwise, there

1 would be no incentive. No, it doesn't say it; but it was  
2 always, that was always the intent of the legislation not  
3 to cease from writing tickets after you've reached 5  
4 percent. That would be ridiculous. The fact is --

5 MR. CONNOR: We certainly would not object to  
6 that, that the additional monies over 5 percent would go to  
7 the, right to the state. We have no objection to that.

8 CHAIRPERSON LEH: The Chair now recognizes  
9 Representative Fairchild.

10 REPRESENTATIVE FAIRCHILD: Thank you, Mr.  
11 Chairman. On the first page -- and I think we talked about  
12 this earlier. Basically, our Governor says if you do the  
13 crime, you do the time. How do you -- how would you  
14 address a constituent, if you were one of us, who  
15 believed -- and hopefully we make fair laws that are fair  
16 to everyone where if you are caught speeding by the state  
17 police, you're going to be assigned points.

18 Where if you're caught speeding the same road,  
19 the same exact speed limit by municipal police, you're not  
20 going to be assessed points. And understanding that your  
21 livelihood could be drastically affected by your ability to  
22 drive. And if your license is suspended, obviously you  
23 sometimes, you can't get to work.

24 Especially in rural Pennsylvania, this is a  
25 problem that we've seen when people's driver's licenses has

1 been suspended. My question basically is, How do you  
2 address the fairness issue when you have that situation?

3 MR. CONNOR: It's not fair, Sir. It's nowhere  
4 near fair. It's a compromise that we in municipal law  
5 enforcement have agreed to live with, though. But it's not  
6 fair.

7 REPRESENTATIVE FAIRCHILD: Well, you may have  
8 agreed to it; but I'm not sure my constituents agreed to it  
9 when we try to make laws that are fair and equal for  
10 everyone across the state. So I would just hope that you  
11 would perhaps revisit that somehow. And I understand your  
12 position. You would rather have it the other way.

13 But -- and we get into a whole other set of  
14 problems. That's probably why the compromise was made.

15 MR. CONNOR: I think in fairness, if we  
16 reached a similar cushion, if you will, with the 10 miles  
17 an hour and the 5 miles an hour that we currently have,  
18 that to me would be more than fair because everybody would  
19 get the same treatment across the board.

20 Like I said, this was a compromised bill. It  
21 did not come without bloodshed. It was very painful to  
22 many of us. We have agreed to this bill as it's written  
23 now. If you folks on the committee and certainly the  
24 General Assembly deem to change it, we would be more than  
25 happy and grateful that you did.



1           But we felt -- when I say we, I'm talking  
2 about not only the members of law enforcement and local  
3 government that were involved but the members of your own  
4 body that were involved. We felt that this one had a  
5 chance. And after 40 years, we really hope it's our time.

6           REPRESENTATIVE FAIRCHILD: Thank you. Just as  
7 a closing question, are you aware of any other laws in  
8 Pennsylvania that are administered this way where the same  
9 crime or the same violation results in a different penalty?

10          MR. CONNOR: No, Sir, I am not.

11          REPRESENTATIVE FAIRCHILD: Thank you.

12          CHAIRPERSON LEH: Representative Watson.

13          REPRESENTATIVE WATSON: Thank you,  
14 Representative Leh. Thank you for your testimony, Chief.  
15 Just something that you said in answer to another question.  
16 And perhaps you could -- I'm confused. You referred to,  
17 when we talked about the no points -- and it gets to  
18 something we were just talking about -- but the 26 miles,  
19 you said that it comes from NHTSA, that the 26  
20 mile -- because that constitutes reckless driving?

21          MR. CONNOR: It's the Federal Department of  
22 Transportation that came from.

23          REPRESENTATIVE WATSON: It came from DOT?

24          MR. CONNOR: Yes, Ma'am.

25          REPRESENTATIVE WATSON: If it

1 constitutes -- is that a legal definition of reckless  
2 driving? And therefore, my question gets to, if that's the  
3 case, could an officer, when you're also speeding, then  
4 issue you that ticket for reckless driving, which most  
5 officers don't like to do because it's very hard when you  
6 get before a judge to define it?

7 MR. CONNOR: I would imagine if we got that  
8 definition to come out legally throughout Pennsylvania, we  
9 could. I would prefer that they did not. I don't think it  
10 does local law enforcement or law enforcement at all any  
11 great advantage to just load up on tickets for the same  
12 offense.

13 REPRESENTATIVE WATSON: I'm not that -- it's  
14 just I --

15 MR. CONNOR: But they could, yes.

16 REPRESENTATIVE WATSON: I want to be in the  
17 spirit of compromise. And I'm new. So I'm trying. But I  
18 just have trouble when if you're already over 25 miles and  
19 now I'm adding 25 and 26 to that one, you're seriously  
20 reckless if you're in my neighborhood with children.

21 I mean, I would have liked that a little lower  
22 to really get you. And I mean, I'm sorry. But there are  
23 too many children and too many -- you know, I come from  
24 residential suburban areas. And that just -- that's a  
25 lot. I mean, 26 over 25, that's -- okay. Thank you.

1 MR. CONNOR: Well, Ma'am, we understand that  
2 this is a tough sell. And we're doing our best to --

3 REPRESENTATIVE WATSON: I know. And Sir, I'm  
4 doing my best to buy it. I really am. Honest.

5 MR. CONNOR: We certainly appreciate your  
6 support. And with a brother in law enforcement in Bucks  
7 County, I'm sure that I'll pass your kind comments along.  
8 Thank you.

9 CHAIRPERSON LEH: Representative Watson, I  
10 share your concern. But I think you have to understand  
11 that if every legislator was from Bucks County, 26 would be  
12 too much. But when you have legislators from the western  
13 part of the state --

14 REPRESENTATIVE WATSON: I understand.

15 CHAIRPERSON LEH: -- where 75 over might be a  
16 minimum -- so this is West Texas out in Pennsylvania.  
17 Anyway, Representative Dick Hess from Bedford County.

18 REPRESENTATIVE HESS: Not quite West Texas but  
19 close.

20 CHAIRPERSON LEH: From where you are, Dick, it  
21 is.

22 REPRESENTATIVE HESS: Thank you, Mr. Chairman.  
23 Chief, just one question. If there was the sunset  
24 provision added to this bill, where would you be then?

25 MR. CONNOR: Sir, I believe there is a sunset

1 provision in this bill, unless it was taken out. And the  
2 reason it was put in, if we in municipal law enforcement  
3 don't do the right thing, this tool could be taken off of  
4 us. Now, if we prove that we are trustworthy, if you will,  
5 and able to do the right thing, perhaps we can expand upon  
6 it.

7 REPRESENTATIVE HESS: Excuse me. I apologize.  
8 I misread that or missed it somehow. Thank you.

9 CHAIRPERSON LEH: Paul Parsells.

10 MR. PARSELLS: Real quick. Chief, thanks for  
11 clarifying the limited access highway. That's, as you  
12 know, probably my main point for bringing it up. And  
13 clearly, I understand Representative Watson's concerns.  
14 And those roads should have local law enforcement.

15 But the situation you mentioned in the  
16 municipality around here set your cause back 10 years as  
17 you well know.

18 MR. CONNOR: Yes, Sir.

19 MR. PARSELLS: And so I guess my question is,  
20 Do you believe that the state police should be involved in  
21 this decision for limited access highways?

22 MR. CONNOR: Positively. It's their mandate.  
23 And the state police should determine which departments are  
24 professional enough to be up there assisting them on the  
25 highways. They know which ones are abusing it. And they

1 don't want them up there any more than we do.

2 MR. PARSELLS: Great. Thank you very much,  
3 Chief.

4 REPRESENTATIVE MARSICO: Mr. Chairman, I have  
5 a question.

6 CHAIRPERSON LEH: Yes. Representative  
7 Marsico.

8 REPRESENTATIVE MARSICO: Thank you. Chief, if  
9 you're given the authority to use radar or LIDAR through  
10 this bill, which would you prefer, radar or LIDAR, and why?

11 MR. CONNOR: I think in our case, local law  
12 enforcement would be better off with radar because we don't  
13 have to pick one vehicle out of a bunch going down the  
14 road. With LIDAR, LIDAR's primary capability is to, uses a  
15 single beam to address one particular car out of a bunch.

16 We're primarily interested in that one  
17 speeding car through a residential area. So radar would be  
18 probably most beneficial for our purposes.

19 REPRESENTATIVE MARSICO: Isn't radar proven,  
20 LIDAR proven to be safer, using LIDAR safer than radar?

21 MR. CONNOR: No, Sir. That was a  
22 misconception that was passed around and passed around and  
23 passed around. But OSHA, for example, found that there is,  
24 there are absolutely no adverse effects to the use of radar  
25 for the average citizen.

1                   For example, I think radar uses somewhere in  
2 the area of the energy of 6 fire flies, microwave ovens,  
3 cell telephones, but significantly more times radio energy  
4 than what radar does.

5                   CHAIRPERSON LEH: Yes. One last question from  
6 me, Chief. Should this bill, should this bill get out of  
7 committee and reach the House floor, I know there's, I know  
8 there's at least one representative out there that would  
9 probably submit an amendment to allow a local referendum on  
10 radar. Would you be supportive of that?

11                  MR. CONNOR: What we would prefer to see is  
12 that our elected officials have an ordinance passed or a  
13 resolution passed to allow us to use radar. I don't think  
14 a referendum is necessary.

15                  CHAIRPERSON LEH: Okay. I want to thank you,  
16 Chief. It's been a pleasure to work with you over the past  
17 how many years.

18                  MR. CONNOR: Thank you, Sir.

19                  CHAIRPERSON LEH: Year and a half or whatever.  
20 But you -- I think you've come a long way. I want to thank  
21 you for it. You've been a pleasure to work with. Thank  
22 you for your testimony. Amy, do you have anything you wish  
23 to say?

24                  MS. CORL: Basically, I'd just like to thank  
25 Representative Watson for her comments about police

1 officers in Bucks County. And Bucks County is more the  
2 norm in Pennsylvania. They're not all bad. They're good  
3 people, and they really want this for traffic safety.

4 Most police officers don't really care what  
5 the budget of their police department is. They care that  
6 they keep people going slow in their department, in their  
7 areas and that they answer the concerns of their citizens.  
8 And speeding is a concern of a number of citizens in  
9 Pennsylvania. And I appreciate your comments and will pass  
10 them on.

11 CHAIRPERSON LEH: I know as a tidbit from my  
12 own area -- and I live, myself, I live in a subdivision.  
13 And in that subdivision, there runs a road that goes from  
14 one main highway to the next. And the people started to  
15 use that road as a main thoroughfare. And houses on both  
16 sides. They travel very rapidly on it.

17 So the neighbors that lived on that road got  
18 together. They called the supervisors. The supervisors  
19 got the police out there. And the police -- this is what  
20 the police chief told me: 90 percent of the people they  
21 arrested lived on that road. So then they caught hell for  
22 it.

23 MS. CORL: We get calls in our office all the  
24 time from citizens saying, Why can't you stop these  
25 speeders? And technically, a number of them don't know

1 that local police can't use radar. And they are trying to  
2 get us to get their police officers out there with radar  
3 guns.

4 So I think it's something the  
5 citizens -- certainly, they don't like getting tickets.  
6 But I think it's something that they are looking for us to  
7 be able to provide, a service for us to provide to them.

8 CHAIRPERSON LEH: Again, thank you very much.  
9 It's been a pleasure.

10 MR. CONNOR: Thank you, Sir.

11 CHAIRPERSON LEH: Next, the Chair would like  
12 to recognize John Mancke. Is that how you pronounce that,  
13 John?

14 MR. MANCKE: Mancke.

15 CHAIRPERSON LEH: Mancke.

16 MR. MANCKE: Good afternoon. I'm John Mancke,  
17 an attorney whose practice concentrates in motor vehicle  
18 law. For over 30 years, I've been actively defending  
19 persons charged with motor vehicle violations, including  
20 radar speeding offenses.

21 As a licensed FCC radar operator, I have  
22 conducted hundreds of experiments with radar devices,  
23 including those models used by the Pennsylvania State  
24 Police. Those in support of legislation such as this often  
25 suggest that radar is more accurate and easier to use.



1 This simplistic approach minimizes the problems inherent in  
2 the use of radar and ignores the potential for abuse.

3           If radar is improperly used, incorrect and  
4 spurious readings can result. The Pennsylvania Superior  
5 Court has noted that radar contains inherent dangers of  
6 inaccuracy if not carefully used. The court has correctly  
7 pointed out that the measurement of speed by radar can be  
8 and is frequently distorted by objects in the environment  
9 or by another moving object.

10           The legislative proposal concerning the  
11 completion of a training course before the use of radar or  
12 LIDAR by local police is inadequate. I believe that the  
13 use of a nationally standardized course, such as NHTSA  
14 program entitled Basic Training Program in Radar Speed  
15 Management, should be legislatively mandated before any  
16 officer, including the state police, can use radar or  
17 LIDAR.

18           Further, any standards that are adopted should  
19 be made available readily to the public so that the public  
20 can be a watchdog of those officers that would use it  
21 improperly. Now, you may suggest, Well, the state police  
22 have regulations now and they're trained now. However, I  
23 believe that legislation that says they do not or does not  
24 mandate that they have to be trained in the same manner  
25 makes no sense.

1 I believe the state police training is  
2 currently inadequate to ensure that misuse does not occur.  
3 And I say that I am talking about a small portion of the  
4 state police, but I am talking about actual events that  
5 have occurred.

6 I brought along the approved radar unit  
7 approved by the state police. This is their model. Now,  
8 you say, Well, what is that? You notice there's no sight  
9 on it. There's nothing to indicate which vehicle is being  
10 timed other than the screens here.

11 You know, when the state police went to  
12 approve this unit for use, they didn't even realize when  
13 they tested it that it failed PennDOT regulations. They  
14 purchased through GSA -- and I have the records right here  
15 to show the signature of the State Trooper that marked  
16 approved.

17 I have the readings that they obtained when  
18 they tested it. Not only does it point out that this unit  
19 picks up heater fans, air-conditioning units that are in  
20 the vehicles -- they got readings off of both -- but it  
21 also notes in the testing that they performed that at 140  
22 miles an hour, it read 138.

23 It immediately has to be taken out of service,  
24 cannot be used in Pennsylvania under PennDOT regulations.  
25 Instead, what do you have? You have from the state

1 police --

2 CHAIRPERSON GEIST: Excuse me a second. Can I  
3 ask a technical question while you're --

4 MR. MANCKE: Sure.

5 CHAIRPERSON GEIST: On the, what's  
6 considered -- on what's considered the frontal area by  
7 definition with curvature and everything where a small  
8 sports car is going to have a smaller frontal square inch,  
9 is it possible to have that car at 75 mile an hour and a  
10 truck at 85 mile an hour coming way behind it --

11 MR. MANCKE: Absolutely.

12 CHAIRPERSON GEIST: -- and appear as  
13 if -- because of the area reflective, what they call the  
14 reflective area; is that correct?

15 MR. MANCKE: That is correct.

16 CHAIRPERSON GEIST: Would you explain that to  
17 the committee a little bit?

18 MR. MANCKE: Sure.

19 CHAIRPERSON GEIST: I mean, a lot of this is  
20 not understood at all. And I've been doing so much reading  
21 right now, I feel like I'm back in mechanical engineering  
22 school. But the problem that you have with it -- and what  
23 got me started was the guy in Florida that timed the  
24 coconut palms at 85 mile an hour when the wind was blowing.

25 But this whole area of what you read and what

1 you see when the officer sees the car, truck coming way,  
2 way back is actually the profiled vehicle; is that correct?

3 MR. MANCKE: Yes. It's called vehicle  
4 shadowing is what the courts have used where -- and the  
5 Northwestern Traffic Institute, which is recognized as one  
6 of the police institutes, has a good photo of this or  
7 diagram of this where they put a motorcyclist first  
8 followed by a car followed by a truck.

9 And they've indicated there's no way you can  
10 be sure which vehicle is being timed. They actually  
11 suggest a 3 second interval between vehicles before you  
12 time for radar. That's their suggestion, not mine. I  
13 agree with it. But I think it's important to know that  
14 it's the Northwestern Traffic Institute.

15 Representative Stairs earlier had asked a  
16 question -- I don't think he got the answer to it -- does  
17 the problem increase when you're in a cluster of vehicles  
18 in local roads? We were running some experiments yesterday  
19 for one of the local TV stations.

20 And as the cars went by us, our radar unit was  
21 jumping from 30 miles an hour to 41 just one right after  
22 the other, the numbers. And that wasn't an isolated  
23 incident. We had some others that were going 34 up to 44.  
24 Cluster of vehicles. Which vehicle is going faster?

25 Now, are you concentrating and looking at the

1 back of the screen here; or are you looking at which  
2 vehicle might be going faster in that cluster? How do you  
3 make that determination? That's, that's a real problem in  
4 the local roads where you're going to have heavier traffic.

5 Now, in the isolated areas and the interstate  
6 highways, you got to be careful because, you know, we had a  
7 situation -- and this is isolated. There are other  
8 instances. But we had a photo, which we couldn't  
9 understand because the state police apparently allowed it  
10 to be taken and put in the newspaper.

11 And the trooper was using the radar like this  
12 while he was hiding in a PennDOT truck looking in the  
13 mirror holding the radar gun back this way. And here's the  
14 photo. Now, I can't conceive that somebody would even  
15 suggest that that's a proper way to use radar. And it was  
16 this model radar unit.

17 So I've seen these. I've seen officers taking  
18 a shortcut. And remember, this is not every trooper. I'm  
19 not suggesting it is. But you've probably seen it. I've  
20 seen it where they can only get parallel to the roadway.  
21 So they take the radar gun. They shoot it into the left  
22 mirror, bounce it off the mirror. It goes back, hits the  
23 vehicle, comes back into the mirror and bounces into the  
24 radar unit.

25 And the worst I ever saw was on 81 where it

1 came around the curve. The officer was shooting it into  
2 the center mirror back through the window, the rear window.  
3 Now, I have to tell you, I had a video camera. I went -- I  
4 almost said flying up. I drove up, said I got to get this,  
5 came back around 81, decided do I use one of those centers  
6 as an emergency -- yeah, this was an emergency in my  
7 estimation.

8 Statute of limitations has run, went back, had  
9 the unit, had the unit focused. And I'm driving down the  
10 road videotaping this. I came around the corner. He had  
11 two people pulled over. So these are not, these are  
12 concerns of mine.

13 CHAIRPERSON GEIST: Did you hand out your  
14 business card?

15 MR. MANCKE: I did not, no. I did not do  
16 that. But these are concerns of mine that maybe there are  
17 shortcuts being taken now. And I'm worried about the abuse  
18 that we, used by local police. So I'm suggesting you use  
19 the national standard.

20 There already is in place through NHTSA a  
21 training program. So we don't need a training program. I  
22 think that you have to require the state police -- this  
23 bill doesn't even have any training program for LIDAR for  
24 state police.

25 So you're going to have what happened in New

1 Jersey early on with LIDAR; and that was, their officers  
2 came to court and didn't know what it was and didn't know  
3 how to explain it. And the courts had, had thrown out  
4 those type of cases. So I think that has to be added to  
5 it.

6 I want to mention that last fall, I was asked  
7 by the Morning Call why I was against local police getting  
8 radar in the Lehigh Valley area. And quite frankly, I was  
9 in, I was waiting to meet with the police chief. And I  
10 kind of felt bad. I'm dicing police officers when I'm  
11 waiting for a favor from him to discuss an accident that  
12 occurred.

13 And she kept me on the phone for quite a  
14 while. I said, I have to go, I have to go. And as we were  
15 leaving the conversation, she said to me, Well, I don't  
16 know why you're so against it. We have a police chief down  
17 here that's running radar now and writing them up under  
18 31.11, which is obedience to traffic control devices.

19 I said, He's doing what? She said, Oh, yeah.  
20 I said, Well, I haven't heard of that since we stopped a  
21 guy in York from doing that. And I said, Are you sure?  
22 She said, Oh, yeah. He told me that's what he's doing.  
23 And he's really stopping them from speeding.

24 I said, Well, he's in violation of federal  
25 law. And she said, What do you mean? I said, He's in

1 violation of the FCC law. And when I spoke the following  
2 month down at Lehigh County at the Bar Association, one of  
3 the judges and the district attorney both came up to me;  
4 and they knew exactly who that person was that was using  
5 radar in their municipality. I'm assuming he has since  
6 been told not to do it.

7           But those are the kind of questions I have.  
8 And again, I'm not criticizing or suggesting that every  
9 police officer is going to use it in this fashion. But you  
10 have to be careful.

11           One other comment, and that is on the 60-day  
12 versus 3 years. When the state police had this unit -- and  
13 remember, it did not pass PennDOT regulations. But GSA  
14 paid \$329,478 for them -- they dropped this. They dropped  
15 it on the floor. And when they dropped it on the floor,  
16 the lens cover flew off. Now, before I want to be timed by  
17 that unit, I want to have it rechecked.

18           Another problem that was occurring with this  
19 model -- and again, this was the cheapest of the 6. This  
20 case is a Samsonite case. They don't have Samsonite cases.  
21 But I left the rubber the same as it was other than this  
22 spot to show you that this is the way this was to be put in  
23 here, the cord. They had a little hole there. They stuck  
24 it in there. Guess what happened. These were being  
25 shredded right off here.



1           So they had to put tape over the hole so the  
2 troopers wouldn't put it back in there and break it off.  
3 Three years is way, way too long to allow for an  
4 officer -- and remember, these are being used by a whole  
5 lot of different officers -- to allow them to have a 3-year  
6 certificate and say it's okay.

7           I think that should remain at the 60 days if  
8 you're going to pass this legislation, which I generally  
9 oppose. I'd be happy to answer any questions.

10           CHAIRPERSON GEIST: Another, one other  
11 technical question. The more that you get into the urban  
12 areas, the more chance you have to have that become a  
13 receiver; is that correct?

14           MR. MANCKE: Yeah. You can -- we've shown  
15 experiments. We did a videotape for the Pennsylvania Bar  
16 Institute a couple years back. And we ran it up at 322 up  
17 by that restaurant when you used to go through the town  
18 there. And we were actually showing the building going 42  
19 miles an hour because what was happening, you were bouncing  
20 it off the glass in front of the restaurant.

21           You have to be careful of those spurious  
22 readings. You also have to be careful of that vehicle  
23 bunching problem that I mentioned earlier.

24           CHAIRPERSON GEIST: I represent a city. What  
25 degree of inaccuracy would be on the readings in a city

1 where you have all kind of lights and all kind of stuff?

2 MR. MANCKE: You can get -- it's not as  
3 dramatic as what happened in Florida, quite frankly, where  
4 they get the trees going a speed because there's something  
5 behind that. For example, you may be looking at a tree;  
6 but there's a car. These things go 4,000 feet. That's  
7 what the manufacturer, not what I say, what the  
8 manufacturer admits to.

9 So that you may get something far away and not  
10 recognize that because you're concentrating on the tree.  
11 There are some problems with air-conditioning units, like I  
12 said, defrosters, those kind of things. There are also  
13 some electronic devices that have kicked it off.

14 I think the bigger problem is going to be the  
15 vehicle bunching, though. I would hope if it's passed,  
16 that any officer would go and survey the area before they'd  
17 use it to make sure they're not getting that electronic  
18 interference. I think all of that you'll find in the NHTSA  
19 training that's already prescribed there.

20 I'd rather see if it's going to pass, which  
21 again I express my reservations, it should be a national  
22 standard. You're using the national standard to pick out  
23 which device you're going to use. Why aren't you using the  
24 national standard for training?

25 CHAIRPERSON GEIST: In the wisdom of the

1 General Assembly, which is not always perfect, we have  
2 allowed for arbitrary posting of speed limits in  
3 developments and other areas. And in the law, we have  
4 insisted that the 85 percentile in the surveys be in place  
5 before this is used on any road. Would you take a second  
6 and explain why that is good business?

7 MR. MANCKE: You mean as far as the  
8 engineering and traffic studies are being performed?

9 CHAIRPERSON GEIST: Yes.

10 MR. MANCKE: That was done -- and I remember  
11 when the whole discussion came down on that in the '70s.  
12 One of the concerns there was that, again, for revenue  
13 purposes, you would be setting up 15 mile per hour zones  
14 when there wasn't any basis for doing it. So that was  
15 there for that purpose.

16 I do feel that even though currently the law  
17 says that it has to be more than a 10 mile an hour increase  
18 before, or decrease before you put on the speed zone  
19 reduced ahead signs, I think you ought to do that right  
20 away whenever it's being reduced rather than saying 11 or  
21 above and not at a 10 mile an hour because there have been  
22 some abuses there as well where they set up.

23 And I know you have the 500 feet requirement.  
24 But remember, if this thing's reading 4,000 feet back, 500  
25 feet is nothing.

1                   CHAIRPERSON LEH: The Chair recognizes  
2 Representative Strittmatter.

3                   REPRESENTATIVE STRITTMATTER: Thank you.  
4 Thank you for your testimony. You pointed out the  
5 inaccuracy of the radar and LIDAR. But isn't that more  
6 accurate than what the local police are using now, the  
7 VASCAR with, you know, their own hand-held device?

8                   MR. MANCKE: I would agree with the potential  
9 for VASCAR. But obviously, the infrared devices that was  
10 referred to before, the ESP, by the Chief, I mean, that's 3  
11 feet apart running the beam across. There are potential  
12 error there if the unit is not completely level and you get  
13 part of the vehicle, the wrong part of the vehicle on  
14 infrared beam "A" and don't get the same on infrared "B."

15                   But there -- that's a lot less subject to the  
16 potential for vehicle identification problems than radar  
17 is. And again, you have to be careful using radar. You  
18 have to say, You know what? I'm not sure about that one.  
19 I'm going to let that one go. Maybe he was going that  
20 fast, but I just can't be sure.

21                   And you have to have the mentality to say I  
22 don't know. And we were doing that yesterday when I was  
23 trying to explain to the television people, Look, you just  
24 don't know. You can assume that the faster vehicle, when  
25 you look up from the screen, was the one that you got; but

1 you can't be sure.

2           And that's the difficulty. And that takes  
3 individual training. And I think that's, again, refers  
4 back to a national standard of training that should be part  
5 of any bill that's passed.

6           REPRESENTATIVE STRITTMATTER: But the idea is  
7 for public safety. And the idea is that many people are  
8 being killed and injured needlessly because of high speed.  
9 Is the local enforcement of VASCAR, is that proper? Or are  
10 there as many problems, as you've pointed out, that the  
11 state police would have today?

12           MR. MANCKE: I don't like VASCAR as a unit for  
13 speed timing. I've never liked it. I opposed it when they  
14 initially proposed it. But I have said consistently that  
15 the electronic strips and the laser beam across the  
16 highway, they're pretty accurate if they're properly used;  
17 and they don't have the vehicle identification problems  
18 that radar has. I have to concede that.

19           REPRESENTATIVE STRITTMATTER: So your  
20 suggestion is that we should be moving in that direction  
21 rather than the radar. So if we gained, if we gained any,  
22 anything out of this testimony that we heard from you  
23 today, it would be that we should be switching to those  
24 kinds of strips to be used electronically on all our  
25 highways.

1 MR. MANCKE: You have to -- the strips --

2 REPRESENTATIVE STRITTMATTER: In order, in  
3 order to enforce properly, that that would be the way to do  
4 it.

5 MR. MANCKE: I think the Chief would be the  
6 first to tell you, cold weather, you can't put the strips  
7 on the roadway. We've done some filming with that where  
8 the strips started to fly up because it got too cold in the  
9 evening as we were filming this. The infrared beams  
10 eliminate the weather problems unless it's a torrential  
11 downpour, torrential snow, which you shouldn't be using  
12 radar anyway.

13 So I think the local police have the adequate  
14 tools to enforce speed. I realize that they're concerned  
15 that the radar would only require one officer. But I  
16 really think that you have to be careful. I think you  
17 really have to go out in the individual setting, individual  
18 area and run radar for a while in a local area and see, see  
19 it actually happen.

20 And I don't know that you're going to find  
21 that it's the panacea that everybody thinks it is.

22 REPRESENTATIVE STRITTMATTER: Thank you.

23 CHAIRPERSON LEH: Okay. The Chair recognizes  
24 Representative Fairchild.

25 REPRESENTATIVE FAIRCHILD: Thank you, Mr.

1 Chairman. You said the Genesis unit did not meet PennDOT  
2 specifications?

3 MR. MANCKE: That is correct.

4 REPRESENTATIVE FAIRCHILD: You also referred  
5 to the, that there were 5 models being considered by the  
6 state police.

7 MR. MANCKE: There were 5 other models, yes.

8 REPRESENTATIVE FAIRCHILD: Did any of the  
9 other models meet the specifications of PennDOT?

10 MR. MANCKE: The only specifications I  
11 received from GSA, the only one that I received was the one  
12 for the hand-held because that was the one that was  
13 approved. I did not request nor do I know that the state  
14 police did it because Genesis was the lowest of the bids.

15 REPRESENTATIVE FAIRCHILD: What criteria did  
16 PennDOT use to establish their technical criteria?

17 MR. MANCKE: They have -- PennDOT regulations  
18 have been in effect for many, many years. And with radar,  
19 there are certain steps that have to be taken whenever it's  
20 tested. In this case, they run tests starting 10 miles an  
21 hour, 15 miles an hour and 20. This unit generally does  
22 not read 10 and 15.

23 But then in 5 intervals, mile per hour  
24 intervals, they test this, they bench test it up to 140  
25 miles an hour. Those can be -- they cannot be more than

1 plus zero or minus one. And clearly, the last tests of  
2 those tests it failed. I mean, it's obvious in the  
3 documents we received.

4 REPRESENTATIVE FAIRCHILD: I'm curious. As an  
5 attorney representing clients who feel that they have been  
6 wronged, why doesn't the judge, how can any court uphold  
7 the use of these machines when they do not meet the  
8 specifications of the state?

9 MR. MANCKE: Well, in many instances, it's  
10 difficult to prove how radar was being used and whether it  
11 was being used properly or improperly because the trooper  
12 may say I was using it in this fashion. And then you're  
13 going to have to have the evidence to show that maybe it  
14 wasn't being used in that fashion. Maybe it was being shot  
15 in the window. And some of them have admitted it. And  
16 then in those instances, it's a not guilty decision.

17 The difficulty with radar for us, the thing we  
18 look at is vehicle identification. For example, I will ask  
19 an officer -- he will testify my client was the only  
20 vehicle in the zone of influence. I will say, What is the  
21 zone of influence? He will say, I don't know.

22 Well, then how do you know that he was the  
23 only vehicle in the zone of influence? We are not trained  
24 on that. We do not have to answer that question. Judge, I  
25 object to the question. Now, all that does is raise



1 reasonable doubt as to what occurred.

2           So thank you very much. Is there anything  
3 else I can do? So maybe I'm shooting myself in the foot by  
4 suggesting a method in which the officers would be properly  
5 trained so they could answer the basic question so that  
6 when I ask the question, I don't get an answer I don't  
7 know.

8           For example, I asked a trooper one time about  
9 what she was taught about Doppler, the Doppler principle  
10 with radar. And she said, Well, that's not relevant  
11 because it wasn't raining outside. And these are actual  
12 cases. Now, I was shocked; the judge was shocked.

13           But you just guess who won the case. So I  
14 mean, again, I may be shooting myself in the foot by  
15 suggesting a method, if you're going to pass something,  
16 that would properly and adequately prepare people for  
17 testimony and for the use and be able to give up those  
18 questionable cases. And that's, that's the point I want to  
19 make.

20           REPRESENTATIVE FAIRCHILD: Just one last  
21 question, if I may, a technical question. I understand  
22 these things can and perhaps should be, from a safety  
23 aspect and everything else, be mounted outside the vehicle,  
24 preferably the rear window?

25           MR. MANCKE: Well, in answer -- and I heard

1 the Chief talk earlier that the safety thing was kind of  
2 bunk. Remember, though, it was the police that sued  
3 because they got cancer. And, you know, I made --

4 REPRESENTATIVE FAIRCHILD: I understand that.

5 MR. MANCKE: And either in the eyes or in the  
6 testicles in one case out of Connecticut. When you buy one  
7 of these, you will have a federal disclaimer in the front  
8 of it --

9 REPRESENTATIVE FAIRCHILD: I understand that.

10 MR. MANCKE: -- from the human services.

11 REPRESENTATIVE FAIRCHILD: My question wasn't  
12 necessarily on that aspect of the safety. It was then when  
13 these are externally mounted, how do you aim it so you  
14 get --

15 MR. MANCKE: Good point. That's the problem  
16 that I tried to suggest, even with the hand-held if you're  
17 going to hold it back here. I mean, all you have to do is  
18 think about hunting. And whoever puts a gun out here,  
19 looks in a mirror here and expects to be able to shoot  
20 something accurately back there, I agree with you  
21 wholeheartedly that that's a problem.

22 They don't have sights on them. But if you're  
23 not even at least looking down in the area consistent with  
24 that beam of influence, it's very, very difficult to be  
25 sure which of the vehicles you're getting.

1 REPRESENTATIVE FAIRCHILD: Thank you.

2 CHAIRPERSON LEH: John, thank you very much.

3 MR. MANCKE: Okay. Thank you.

4 CHAIRPERSON LEH: Appreciate it. Appreciate  
5 your testimony. We look forward to working with you. We  
6 may have you back. Not today.

7 MR. MANCKE: That's fine. Thank you.

8 CHAIRPERSON LEH: Next, the Chair would like  
9 to recognize Mr. Joseph Picciotti. Thank you very much.  
10 And feel free to proceed. I would only ask you, with  
11 reference to time, that -- we do apologize -- but if you  
12 could somehow summarize your testimony.

13 I notice the membership here is waning a  
14 little bit. And I would hate to see for the last testifier  
15 there would be nobody here.

16 MR. PICCIOTTI: I'll try to get you before you  
17 leave. First of all, my name is Joseph Picciotti, Junior.  
18 And I'm a retired police chief with a master's degree in  
19 public administration and having been employed in the  
20 states of New York and Massachusetts on the local and  
21 county levels. And I now reside with my wife on the border  
22 of two communities in Pennsylvania, Ferguson and State  
23 College.

24 During my 35 years serving local communities,  
25 I have personally experienced the benefits of radar

1 enforcement and observed how they enhance the quality of  
2 life in those communities. Let me just digress for a  
3 moment and say that I don't think that there's any perfect  
4 instrument made that doesn't have some unique problems to  
5 them.

6           But generally overall, radar is probably the  
7 most accurate speed-timing device that we have. The  
8 benefits to the communities are such that let me take a  
9 moment and just outline them quickly for you.  
10 Community-oriented policing, as you well know, is something  
11 that every chief that I'm familiar with works hard to  
12 accomplish from the time of recruit all the way through the  
13 training of their police officers when they hit the  
14 streets.

15           We're very sensitive to the community and the  
16 people's needs and their desires. It's a different breed  
17 of law enforcement of officers and police chiefs that we  
18 have today. Most of them are not only highly trained but  
19 highly educated.

20           Some of the comments that may have been  
21 addressed a bit earlier I think were rather archaic and a  
22 distortion of what I've seen in my years in law  
23 enforcement. But the immediate and tangible response to  
24 complaints of speeding in neighborhoods and school zones,  
25 most radar that's ever been used as long as I've been in

1 law enforcement is within a quarter mile.

2           The counselor that was up here before  
3 mentioned the fact that I think the radar unit operates  
4 almost up to a mile. That's not the use by local police.  
5 Most local police would be using them in school zones and  
6 in neighborhoods. Most of that radar would be used to  
7 identify one single car.

8           And let me just say briefly that his  
9 preference for infrared is probably more obvious than you  
10 realize as opposed to radar. If -- radar used properly  
11 under proper training is probably the most fail-safe method  
12 at getting convictions in courts.

13           Also, we use display screens for educational  
14 purposes. We may be called into an area where we'll set up  
15 a display screen that actually shows the speed of moving  
16 vehicles in a neighborhood or in a school zone. And people  
17 become aware of it. So it's kind of like an education  
18 program for prevention prior to the use of radar.

19           I think that the one thing that hasn't yet  
20 been addressed is the increase of public safety through  
21 selective enforcement. Generally, in those areas where  
22 there's a high complaint of speeding and a high degree or  
23 frequency of motor vehicle accidents, radar and LIDAR are  
24 target-specific; and they are probably the highest degree  
25 of accuracy opposed to the methods now being employed in

1 Pennsylvania.

2           And by the way, radar does not discriminate in  
3 any way. Somebody broached the subject of profiling.  
4 Profiling is generally that which is in reference to a  
5 practice called probable cause stops. It's not done by  
6 radar. Radar is indiscriminate because it actually aligns  
7 the vehicle from a quarter to a mile before it ever gets  
8 into the view of the police officer.

9           By increased visibility and enforcement  
10 through radar, we are proactively enforcing speeding; and  
11 it is a proven way to reduce street crime and apprehend  
12 criminals. There is a secondary benefit to the use of  
13 radar. And I want to tell you that many studies have been  
14 done, which I can cite for you or certainly make available  
15 to you, as to radar's use at more than just reducing  
16 speeding.

17           The propensity to use radar for generation of  
18 revenue would probably be evident in any community that is  
19 presently using one of the more archaic uses of speed  
20 enforcement. So I don't think that anything would be  
21 enhanced by the use of radar.

22           Laws not enforced fairly and consistently are  
23 ignored. Speed becomes ineffective. So if you put up your  
24 speed zones in the, in your communities, they're really  
25 ineffective if people know that there's no enforcement.

1 And I think that ignoring laws becomes acceptable behavior.

2 I'm a little bit taken aback since I moved  
3 into the Commonwealth of Pennsylvania, having lived in  
4 Massachusetts and New York, at the high degree of speeding  
5 that I see. On local streets I'm talking about. That's  
6 where the accidents occur. That's where you have high  
7 pedestrian traffic.

8 You don't have pedestrian traffic out on the  
9 highways where the state police are designated. If there's  
10 a pedestrian injury or if there's injuries or accidents  
11 involving pedestrians, bicyclists, it's in local areas.  
12 And this is the one way to combat it.

13 Let me talk about the checks and balances on  
14 the abuse of radar. Number one, as I already addressed,  
15 it's the people in the community. The people are very  
16 vocal and work very closely with most of their chiefs of  
17 police. They'll make it known as to what they feel is  
18 wrong with the use of the radar if it's being abused.

19 They also have an effect on their elected  
20 officials. And the elected officials, through  
21 appropriations by the way -- something that hasn't been  
22 addressed -- control the funding of police departments and  
23 their police chief.

24 There's no quicker way to send a message to a  
25 police executive than to reduce their funding or not allow

1 the appropriations. And the chief of police has a  
2 responsibility to meet the needs of calls for service,  
3 which are number one. Calls for service are the first  
4 necessary response of those officers on that particular  
5 shift.

6           It's not like too many agencies, I don't  
7 believe, in the Commonwealth are going to be able to  
8 designate people to sit on a highway for 8 hours a shift.  
9 There's just too many other things and too much work for  
10 already burdened police agencies.

11           Finally, the judiciary, the judiciary and  
12 their dismissal and their review. Contrary to earlier  
13 testimony, I can tell you that the magistrates take a very  
14 careful and jaundiced eye to an enormous amount of influx  
15 of tickets that may result in some departments.

16           They too are members of the community. They  
17 too are responsible to their constituents. And you  
18 probably, by allowing those local police departments with  
19 full-time officers -- I think -- by the way, I commend you  
20 on the considerations for every aspect of the bill.

21           I think you've tried to cover every base  
22 possible. It's impossible to write a perfect bill. But  
23 certainly, you've taken into consideration most of those  
24 concerns. Also, your requiring training and certification  
25 are important. I think to disallow it and, would be to



1 deny local communities their right to self-governance.

2 I understand you perceive them as  
3 constituents. But also local community representatives  
4 would like to have their rights to self-governance. And  
5 you would also, by disallowing it, you would deny  
6 full-time, highly trained police the opportunity to better  
7 service the public needs.

8 Somebody mentioned the fact already that when  
9 they're called, they can't tell people that they can  
10 respond to their concerns about a school zone or a  
11 playground or in the summer when we have more children on  
12 bicycles. As people ignore speeding, they ignore 12 months  
13 of the year. And yet our children are let out of school in  
14 the summer months, and that's when the accident rate  
15 increases.

16 To disallow it would also deny police an  
17 opportunity to reduce crime, as I mentioned earlier. And  
18 finally, to disallow the use of radar is to deny the  
19 community its full effort of its local police at community  
20 service and public safety.

21 Let me just add one caveat in conclusion. And  
22 I think I've done this in under 5 minutes. So please bear  
23 with me. As I've listened to a lot of the misinformation  
24 and distortion on use of radar and what's gone on, I  
25 started my law enforcement career in 1960.

1           We've used radar in every state that I've been  
2 a chief executive or have had the pleasure of employment in  
3 law enforcement. Think about this fact: You've given  
4 every police officer in the Commonwealth the authority to  
5 carry a loaded gun which can take a life in an instant.

6           But you have thus far disallowed them a radar  
7 gun which enhances life and community safety. I think the  
8 argument should be turned around the other way. Instead of  
9 the concerns about money and generation of money and  
10 funding, which seems to be the major criteria for your  
11 decision, it should be more on public safety and enhancing  
12 the police in their mission in response to the communities'  
13 needs.

14           Thanks for providing me with the opportunity  
15 to be heard. I hope you'll seriously research the detailed  
16 scientific information available through the International  
17 Association of Chiefs of Police which has a lot of  
18 statistical data, have run all kinds of programs through  
19 the Department of Justice which can be made available to  
20 you.

21           If I personally can be of any assistance by  
22 way to help you make your decision to allow local police  
23 the opportunity that's necessary as an important tool to  
24 accomplish their mission, do not hesitate to call.

25           Let me just apologize for my outburst at one

1 point in your meeting. I understand it's a serious  
2 consideration. However, it was difficult to sit there and  
3 the honor and dignity I think I've brought to the job of  
4 law enforcement and hear some of the misinformation and  
5 distortions of truth. It was difficult for me to sit  
6 there. But I apologize. Thank you.

7 CHAIRPERSON LEH: Thank you very much, Joseph.  
8 Are you aware of any studies or stats that actually, that  
9 you could bring forth that would warrant the use of radar  
10 in urban and suburban areas, I mean, to show that it really  
11 is a major problem that this body should really be  
12 addressing in a relatively specific time?

13 MR. PICCIOTTI: Both NHTSA -- Mr. Leh, both  
14 NHTSA and the International Association of Chiefs of Police  
15 have volumes of studies that have been done on those areas  
16 where radar has not been used as opposed to where it has  
17 been used.

18 There's specific studies in how they affect  
19 the reduction of minor crimes because we know if we reduce  
20 minor crimes and minor violations, we also reduce major  
21 crimes and major violations. And I think if you want to  
22 look on a larger scale, in New York City, the Governor, the  
23 Mayor of New York City started off with very small,  
24 insignificant minuscule crimes.

25 And as a result of it, it enhanced law

1 enforcement and reduced crimes throughout the entire city.

2 You can go there and feel safe now.

3 CHAIRPERSON LEH: Well, I guess my question is  
4 strictly directed at speeding violations.

5 MR. PICCIOTTI: Yes, yes.

6 CHAIRPERSON LEH: And I know --

7 MR. PICCIOTTI: There have been studies done,  
8 yes.

9 CHAIRPERSON LEH: That would probably be wise.  
10 Do any members of the committee have any questions? (No  
11 response.) There being none, Joseph, thank you very much  
12 for your time. Appreciate it.

13 MR. PICCIOTTI: Thanks a lot.

14 CHAIRPERSON LEH: Next on the agenda, we have  
15 Michael Lutz, President of the Fraternal Order of Police.  
16 Mr. Lutz, how are you doing?

17 MR. LUTZ: Fine. Thank you very much. Thank  
18 you for having me here today.

19 CHAIRPERSON LEH: Feel free to begin. And I  
20 would ask you the same thing, that if you can summarize.  
21 And that will get you out of here sooner and us out of here  
22 sooner.

23 MR. LUTZ: Well, you're in luck because I'm  
24 not an expert.

25 CHAIRPERSON LEH: I'm far enough away from

1 home to be one.

2 MR. LUTZ: Good afternoon. My name is Michael  
3 Lutz. I'm the President of the Fraternal Order of Police  
4 State Lodge, which represents 38,000 active and pension  
5 police officers throughout the Commonwealth.

6 I would first like to take this opportunity to  
7 thank the Chairman and members of the Transportation  
8 Committee for giving me the opportunity to address your  
9 committee on the issue of, concerning radar. As you may  
10 recall, in the past, the State Lodge was steadfast in its  
11 position of opposing the use of radar by municipal police  
12 officers because of their concern that radar could  
13 adversely affect the health of police officers who use the  
14 radar gun.

15 I can assure you that I, as President, am no  
16 less concerned about the health and safety of our law  
17 enforcement officers in Pennsylvania. We, as law  
18 enforcement officers, are the front line of defense in a  
19 very violent society. As such, we are already confronted  
20 with many hazards on a daily basis.

21 However, with proper training, I personally do  
22 not view the electronic radio microwave devices, commonly  
23 referred to as radar, as being one of these hazards to  
24 police officers. While conducting some research, I found  
25 that the University of Washington has conducted scientific

1 studies which indicate that exposure to low level microwave  
2 milliwatts of radiation is not a health threat.

3           In continuing, according to Law Enforcement  
4 Technology -- that's a periodical -- the overwhelming body  
5 of scientific literature and, almost without exception, the  
6 entire scientific community has arrived at one conclusion:  
7 Traffic radar poses no health risks to police officers.

8           This coupled with the fact that the United  
9 States Occupational Safety and Health Administration, OSHA,  
10 has been quoted as stating health risks from long-term  
11 exposures to electronic magnetic radiation have not been  
12 demonstrated. We cannot identify a clear risk associated  
13 with traffic radar operation.

14           Despite the seemingly overwhelming evidence  
15 that the use of radar by police is a health hazard, I must  
16 caution that there may be some who believe that exposure to  
17 low level microwaves can adversely affect one's health. It  
18 is for this reason that I qualify my opening statements in  
19 the safe use of radar by the words "proper training."

20           I believe that if any fear exists at all  
21 associated with the use of radar by police, it can be  
22 quelled by proper training on the safe use of radar. For  
23 example, it should be noted the radar device can be mounted  
24 on the outside of the vehicle on the driver's side window.  
25 Know when to turn the radar on and when to turn the radar

1 off.

2           When using a radar gun, don't lay it on your  
3 lap. Don't lay the radar gun on the seat next to you.  
4 When the radar is turned on, only point it out the window  
5 and never at the operator. Make sure that the radar device  
6 is turned off when not in use.

7           As you can see, proper training and  
8 certification in the use of radar is an absolute must. In  
9 addition to the safety concerns by the Fraternal Order of  
10 Police, we also want to ensure that any proposed  
11 legislation concerning the use of radar by the municipal  
12 police officers mandates that the primary use of radar is  
13 for the purposes of traffic safety and not to generate  
14 revenue.

15           Traffic safety to protect the citizens of  
16 Pennsylvania is of the utmost importance. However, crime  
17 is plaguing our streets and drugs are poisoning our  
18 children. The fight against crime and drug abuse are the  
19 primary concerns of police and should not take a back seat  
20 to the use of radar by police.

21           I believe that the open preventive patrol with  
22 police presence is by far a greater deterrence against not  
23 only criminal activity but motor vehicle violations as  
24 well. Notwithstanding, the use of radar speed-timing  
25 devices with the necessary training and controls by

1 municipal police officers will save lives by enhancing  
2 traffic safety.

3                   Therefore, I strongly urge this panel to  
4 exhibit their continued support for law enforcement by  
5 approving legislation that provides our municipal police  
6 with the appropriate tools to better protect our citizens  
7 as they travel the roads throughout the Commonwealth.  
8 Thank you.

9                   CHAIRPERSON LEH: Mr. Lutz, I want to thank  
10 you very much. Are there any members of the committee that  
11 have any questions for the gentleman? (No response.)  
12 There being none, I wish to thank you again. You were  
13 brief and concise, and this committee appreciates that.

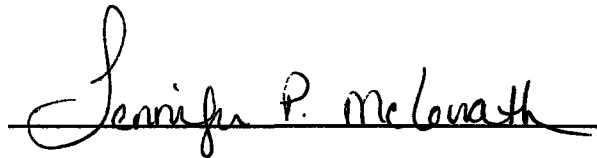
14                   MR. LUTZ: Thank you very much, Sir.

15                   CHAIRPERSON LEH: And it's my understanding  
16 this committee will hold one additional hearing in Bucks  
17 County sometime in October. All interested parties will be  
18 informed. With that, I'd like to thank everybody for their  
19 participation. And these meetings and this hearing are  
20 concluded. Thank you.

21                   (Whereupon, at 5:22 p.m., the hearing  
22 adjourned.)  
23  
24  
25



1 I hereby certify that the proceedings and  
2 evidence are contained fully and accurately in the notes  
3 taken by me during the hearing of the within cause and that  
4 this is a true and correct transcript of the same.

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11 JENNIFER P. McGRATH

12 Registered Professional Reporter

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17 My Commission Expires:

18 April 30, 2005

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21  
22  
23 JENNIFER P. McGRATH, RPR  
24 P.O. Box 1383  
25 2nd & W. Norwegian Streets  
Pottsville, Pennsylvania 17901