

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
TRANSPORTATION COMMITTEE
HIGHWAYS SUBCOMMITTEE

ORIGINAL

IN RE: HOUSE BILL 1961, LOCAL POLICE RADAR

WASHINGTON CROSSING STATE PARK
PARK OFFICES
WASHINGTON CROSSING, PENNSYLVANIA

WEDNESDAY, OCTOBER 10, 2001, 10:30 A.M.

BEFORE:

HON. RICHARD GEIST, CHAIRMAN
HON. DENNIS LEH, SUBCOMMITTEE CHAIR
HON. DAVID STEIL
HON. KATHARINE WATSON
HON. KEITH MCCALL

ALSO PRESENT:

ERIC BUGAILE
PAUL PARSELLS

TERRY J. O'CONNOR
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I N D E X

	WITNESS	PAGE
1		
2		
3	WITNESS	PAGE
4	DAVID STEIL	9
5	ROBERT KIMMEL	15
6	JOSEPH CZAJKOWSKI	42
7	STEVE DANIELS	52
8	STEPHEN WHITE	56
9	J. ROBERT CARTWRIGHT	63
10	BOB GRATZ	79
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 CHAIRMAN GEIST: I want to call this to
2 order. We have three other House members with us:
3 Katherine Watson, who is on our Transportation
4 Committee; Dave Steil is a representative from down
5 here; and Dennis Leh, who I will give a lot of credit
6 to.

7 He's the fork and spear in this bill. He's
8 received both the accolades and the criticism and an
9 awful lot of it has been really -- it's out there on
10 hearsay. This thing has gotten polluted.

11 For those of us who are working to get a good
12 bill, we have got to get some clear, concise
13 information out and we have to get everybody on the
14 same page. This is -- we've been going at this since
15 1961 in the General Assembly.

16 In my 23 years in the General Assembly, 22 of
17 those on transportation, I will tell you we've seen
18 many, many pieces of legislation and none that have
19 gotten even close in the House and Senate.

20 I want to do nothing but to praise Dennis
21 Leh. He has done an absolutely fantastic job and a job
22 that's not an easy job by any means. And it's easy in
23 politics to get in the hot seat on issues and pound
24 your chest and not get ahead.

25 Dennis happened to pick one that I will tell

1 you, it's like running with a 50-pound weight on his
2 back and he's done a great job with it. And the
3 crafting of legislation, I will tell you from the
4 committee's standpoint perspective, and from those who
5 we've really been pleased to work with and the Chiefs
6 of Police Association, local governments and others,
7 that we have a bill right now, a framework, that we
8 can't back away from.

9 And there are those who are approaching us
10 and saying, we'll support the bill but you've got to
11 cut this section out; we'll support it but you have to
12 cut this section out. And if we start doing that,
13 we'll never get it.

14 And if we start amending some of the stuff
15 people want in, we'll never get it. And I've had a
16 personal problem with some part-time police departments
17 in my area who have no understanding of this and how it
18 works and who have disseminated a lot of
19 misinformation.

20 And because of that, we started to have these
21 informational gathering hearings. And in between
22 Dennis and our staff and others, with some wonderful
23 input from everyone, has done a really great job. I
24 mean, a job that is a thankless job. I will tell you
25 this, that no matter what we put on paper, it's

1 criticized, no matter what we put on paper.

2 So our job right now is to keep going at this
3 thing and going at it and going at it until we find
4 something that has an acceptable comfortable level
5 where people feel that they have the confidence in it
6 to do it right.

7 So at this time, I want to turn it over to a
8 great House member, a guy that I have a tremendous
9 amount of respect for, and that's Dennis Leh. He will
10 chair the meeting. And this is Keith McCall, who
11 definitely is one of the good guys.

12 REPRESENTATIVE LEH: Thank you very much, Mr.
13 Chairman. First of all, for anyone who didn't get an
14 agenda, there's an agenda pile in the back of the room
15 along with, what I understand, the latest copy of the
16 bill, is that correct? So if you would like a copy,
17 grab a copy.

18 The bill has not been introduced yet. So for
19 those of you who want to know why House Bill 1961
20 cannot be located on the net, it's mainly because it
21 hasn't been introduced yet. We went to the House
22 Speaker, Matt Ryan, and reserved the number for House
23 Bill 1961.

24 So 203 House members will be getting that in
25 their mail. It's upon you folks who seem to be

1 supportive of that legislation to contact your members
2 and let them know your feelings, if you would like them
3 to get on and co-sponsor the bill.

4 As Chairman Geist said, this is an issue that
5 takes on a different flavor depending what part of the
6 state you're in. I represent Eastern Berks County,
7 which isn't all that far from here. It's about an
8 hour's drive from the 422 expressway on the Turnpike
9 and get off at Route 1 in Philadelphia and come north.

10 The area that I represent is very much like
11 this area here, probably not quite as -- probably not
12 quite in the same growth pattern. It's very rapidly --
13 the Township I live in, it's one of the fastest-growing
14 townships in Berks County because of the location with
15 422.

16 And because of that, what used to be a couple
17 houses on the side of the roads that just are mostly
18 traveled by farmers, are now roads that have
19 residential properties on both sides; subdivisions a
20 few blocks off and many young parents concerned about
21 the speeding that goes on on those roads with really no
22 means to check it and to police it properly and
23 effectively.

24 House Bill 1961, I think as the Chairman
25 said, is a bill that has been compromised, but the

1 substance of the bill has not been compromised and
2 that's important. It's a bill I've been happy to work
3 with Chief Connors. He's been very helpful and very
4 gracious and very understanding.

5 CHAIRMAN GEIST: It's not the Ed Connors I
6 know.

7 REPRESENTATIVE LEH: I'm trying to be nice.
8 Now, he has been, honestly. But with this issue here,
9 like the Chairman said, the perception is reality.
10 There's a perception out there that police departments
11 simply want a radar bill to harass motorists.

12 That's not the case. I don't believe that's
13 the case. However, sadly speaking, there has been
14 instances around the state, namely in the Harrisburg
15 area, where speeding or speed control devices have been
16 misused and abused.

17 That's something that we tried to overcome
18 with this bill. That's something that's a PR issue for
19 those of you who support this bill are going to have to
20 promote.

21 Anyway, without further ado, I would like to
22 move on. And before we start, I know they've been
23 introduced, we'll introduce them. From my right going
24 around, introduce yourself, where you're from.

25 REPRESENTATIVE WATSON: I'm Katherine Watson,

1 newly elected state representative. I represent the
2 144th District in Bucks County. I'm on the other side,
3 the opposite side of the river.

4 REPRESENTATIVE STEIL: Representative David
5 Steil and I represent the 31st Legislative District,
6 which is where you are now. That's this area.

7 MR. BUGAILE: I'm Eric Bugaile, I'm the
8 Committee Staff Executive Director for the Republican
9 side.

10 CHAIRMAN GEIST: I'm Rick Geist. I work for
11 Ed Connor from Altoona.

12 REPRESENTATIVE MCCALL: I represent the 122nd
13 Legislative District which encompasses all of Carbon
14 County and part of Luzerne County. A point of
15 reference, Jim Thorpe, which is our county seat, people
16 relate to that town.

17 MR. PARSELLS: Paul Parsells and I'm on the
18 committee for the Democrats. I work for them.

19 CHAIRMAN GEIST: We should point out that
20 Representative Melio has someone here.

21 MR. ALLEN: Brian Allen from Representative
22 Meilo's office.

23 REPRESENTATIVE LEH: It would be somewhat
24 remiss if I didn't announce Representative McCall is
25 the Democratic Chairman on the House Transportation

1 Committee. We appreciate that.

2 First to testify, we have Representative Dave
3 Steil. And, Dave, open it up.

4 REPRESENTATIVE STEIL: Thank you, Mr.
5 Chairman, for inviting me to testify on the legislation
6 proposed by Representative Leh. I particularly want to
7 commend Representative Leh and Chairman Geist for
8 taking up this initiative, which has been something
9 that has concerned me for a long time.

10 I know it's a very difficult issue for those
11 who come from other areas of the state particularly
12 Representative Leh, who is coming at this from a
13 position that was unique for him. So he has really
14 been helpful in putting it forth. I really want to
15 thank you for taking up the issue we've thought about
16 so strongly before.

17 I want to welcome you to the 31st Legislative
18 District and specifically to Washington Crossing
19 Historic Park, a state facility managed by the
20 Pennsylvania Historical and Museum Commission.

21 It was at this site on December 25, 1776 that
22 Washington and his revolutionary troops which crossed
23 the Delaware River right down below here to the New
24 Jersey side and attacked a contingent of British and
25 Hessian troops in Trenton, New Jersey.

1 Most historians concede that this victory was
2 the turning point in that war. Had it not occurred, we
3 might still be driving on the left-hand side of the
4 roadway using a steering wheel on the right side of our
5 automobiles. We probably wouldn't be having this
6 hearing here today.

7 It is my hope that the ultimate victory of
8 House Bill 1961 will also be the turning point in this
9 State's approach to and support of local police
10 departments and their use of technology to manage
11 increasing traffic loads, excessive speeds and the
12 rapidly expanding incidents of aggressive driver
13 behavior.

14 The area that I represent, this area, and
15 indeed that of much of the four county suburban
16 Philadelphia counties, is not unlike other rapidly
17 growing areas of the state including the Pocono
18 Mountain area, the Lancaster and Dauphin County areas,
19 Butler County, and many others who have experienced an
20 increasing pace of residential development over the
21 last 20 years.

22 In fact, this district, the 31st legislative
23 districts, contains three of Pennsylvania's top ten
24 fastest-growing communities in the last decade.

25 My legislative district went from 59,000

1 people to 78,000 people in that period of time. This
2 district is no different than that of many other
3 representatives who represent rapidly-growing areas.

4 This growth has many positive benefits for
5 the citizens of the area, but it has also a number of
6 negatives for both those who have lived in the area for
7 many decades as well as those who recently moved to the
8 area.

9 One of the biggest negatives is our police
10 departments are sorely pressed to manage the heavy
11 traffic loads on roads that, from a constructive and
12 design standpoint, have not yet caught up with the
13 heavy volume of vehicles that use them every day.

14 Further, our police departments are
15 patrolling far greater expanses of roadways than they
16 had to just a few years ago.

17 There are a number of reasons why this
18 legislation is so important. No. 1, under current law,
19 local police cannot use radar; therefore, they must use
20 other methods of conducting speed checks which need
21 more than one officer to enforce.

22 In fact, when doing speed checks for trucks,
23 it often takes a regional police effort, which ties up
24 three to five officers from two or three police
25 departments at any one time.

1 Our departments are not that large and may
2 only have three or four vehicles on active patrol at
3 any one time. Therefore, pulling two or three of those
4 vehicles from active patrol to conduct speed checks
5 hurts the amount of police coverage provided to other
6 areas of the municipalities.

7 Secondly, included in the present laws is a
8 provision that local police departments must allow a
9 10-mile per hour tolerance before they can begin to
10 enforce the speed limits. Therefore, an active speed
11 limit of 35 miles an hour can be enforced on at 45
12 miles per hour.

13 In fact, our local police departments have
14 had to add another five miles per hour to that
15 tolerance order to account for the variances in the
16 equipment itself. In most cases, local police
17 departments allow a 15-mile-per-hour tolerance in order
18 to ensure their citation stands up in court.

19 This means that on the 35-mile-per-hour
20 residential street, vehicles traveling at 50 miles an
21 hour are actually subject to citation. This may not
22 have been a problem 20 years ago when our traffic was
23 light and there was little development along the side
24 of our roadways.

25 Today, those roadways are built up on both

1 sides and there's constant pedestrian, bicycle and
2 recreational activity on or adjacent to the roadways.

3 Thirdly, our police departments are
4 professional. They are managed by full-time municipal
5 managers, chiefs, and active boards of supervisors.
6 They have taken special training and comply with all
7 the requirements regarding control methods and firearms
8 use.

9 These municipalities have budgets
10 sufficiently large that the amount of revenue from
11 traffic citations is inconsequential. The ultimate
12 concern and the only issue is one of safety.

13 This area and many others like it in this
14 state are no longer rural. We, therefore, ask the
15 legislature to consider changes in the manner by which
16 our traffic and vehicle laws are enforced to reflect
17 the fact that we are no longer a rural community. It
18 is the right thing to do and it is the right time to
19 move forward.

20 Thank you for allowing me to testify, Mr.
21 Chairman. I will be happy to answer any questions that
22 you or other members might have.

23 REPRESENTATIVE LEH: Okay. Thank you very
24 much, Mr. Steil. The first question I have -- and I
25 don't know if you had a chance to look at the draft.

1 REPRESENTATIVE STEIL: I have not seen the
2 latest one.

3 REPRESENTATIVE LEH: Really not a lot has
4 changed with regards to the Full-Time Police Forces
5 Bill with most your municipalities being able to meet
6 that criteria.

7 REPRESENTATIVE STEIL: All the municipalities
8 I represent, in fact, most of them in Bucks County,
9 have a full-time police force. Some municipalities
10 share the police forces.

11 We're going to hear from Steve Daniels
12 shortly. He also patrols that area. But that provides
13 active and full-time police coverage. Although, many
14 departments employ part-time officers, they are a
15 full-time police force managed by a full-time chief and
16 at least one or two active full-time officers.

17 REPRESENTATIVE LEH: Okay. I guess it would
18 be remiss for me, again, if I didn't mention
19 Representative Steil has been really a champion of this
20 issue for a long time. I guess some of us might even
21 call him instigator. Anyway, any questions from the
22 committee members? Mr. Chairman, any questions?

23 CHAIRMAN GEIST: No.

24 REPRESENTATIVE LEH: With that, thank you
25 very much, Representative Steil.

1 Next to testify is Robert Kimmel, retired
2 Director of Communications for the Pennsylvania State
3 Police. Mr. Kimmel, how are you doing?

4 MR. KIMMEL: Fine, thank you. I appreciate
5 the opportunity to be here to speak to this auspicious
6 group and preface what I have to say with the fact
7 that, first, I'm not here representing the State
8 Police, although I was with them for a number of years
9 as a division director; also, as having been a police
10 patrol officer and a chief of police in a local
11 department up in Montour Township, Montour County, I
12 understand the problems that exist for the local
13 departments.

14 So what I have to say is not in any way to
15 indicate that I oppose local police departments from
16 having the best technology. I know they have some of
17 the best training and technology that goes with that,
18 the tools that are necessary to do the job that they're
19 out there to do.

20 But there are things that I believe that you
21 all should know specifically about the use of radar and
22 what I believe from experience in the courts and being
23 in the courts can possibly happen if it isn't very
24 carefully used.

25 In 1961, as a licensed Radio Engineer, I

1 worked as a subcontractor to General Electric,
2 maintaining the mobile radio systems for the
3 Pennsylvania State Police and the Department of
4 Highways in the eastern part of the Commonwealth.

5 In 1964, I accepted a position of Chief
6 Electronics Engineer for the State Police and served
7 that department as well as the Highway Department. By
8 '96 -- or '66 rather, the Highway Department took on
9 its own staff and I remained with the State Police.

10 And in 1972, I assumed the position of
11 Director of Communications Division, Bureau of
12 Technical Services in the Pennsylvania State Police,
13 holding that position until I retired in 1979.

14 During my entire time of service -- by the
15 way, I'll be 80 years old in January, so I can -- I've
16 covered a lot of time. During my entire time of
17 service with the Department, I was responsible for the
18 maintenance, the care, inspection and evaluation of all
19 the electronic equipment used by the Department.

20 I also wrote or reviewed all technical
21 specifications prepared in anticipation of the purchase
22 of electronic equipment. And this, of course, included
23 all of the various speed measuring devices that have
24 come on the market.

25 My experience with radar is rather extensive

1 inasmuch as I not only prepared the technical
2 specifications for the instruments but inspected and
3 tested them under, I believe, almost every conceivable
4 circumstance and wrote much of the radar training and
5 operating procedures that are in use by the State
6 Police.

7 There are technical circumstances that we
8 found to occur when using hand-held radar -- and I've
9 said hand-held, but it's all pretty much hand-held --
10 to measure vehicular speeds that tend to make the
11 instrument vulnerable to negative legal reaction in the
12 courts.

13 We discovered these problems after troopers
14 from the York station reported being unable to
15 satisfactorily calibrate their assigned radar
16 instruments when setting up speed watch details. This
17 is what we found.

18 I spent several days down in that area on the
19 road with the troopers, and they didn't have
20 calibration problems when setting up the radar detail
21 on an open highway, but when attempting to check the
22 instrument calibration when setting up on a built-up
23 segment of Route 30, it was not possible to get a
24 satisfactory check.

25 Calibration checks of the instrument in use

1 must be made before beginning any check of the vehicle
2 speed. First, the radar operator checks the speed
3 measuring unit by sounding a tuning fork, or a series
4 of tuning forks as the case may be, within the beam of
5 the unit.

6 The radar reacts to the frequency of those
7 calibrated tuning forks by giving us a specific speed
8 reading. Then the unit is tested by having an officer
9 drive an automobile with a properly calibrated
10 speedometer past the radar patrol several times, each
11 time comparing the reading of the radar gun to the
12 reading of the speedometer.

13 As I said, I was in York several days,
14 supervising a series of these tests and experiments to
15 solve the radar problems. We never really did solve
16 them.

17 The first day we ran tests to confirm that
18 each radar instrument was properly calibrated,
19 internally. Then we went through the set-up procedure
20 using several different units, and each passed the
21 tuning fork test; but when measuring the speed of any
22 of several vehicles with calibrated speedometers, we
23 could not get the radar readings that matched
24 speedometer readings on a consistent basis.

25 At the testing site along Route 30, facing

1 east, there was a large maple tree -- one of the things
2 we spotted in the -- that might have given us some
3 problems -- was in full foliage 15 to 20 feet back from
4 the edge of the north side of the roadway, and
5 approximately 100 yards from our location.

6 East of that tree, approximately 50 yards,
7 was a large billboard -- about 60 feet off the highway.
8 On the south side of the highway, there were several
9 business buildings, brick walls and large
10 storefront-type windows. These were all off the
11 highway approximately 60 feet.

12 Following two more days of testing at this
13 location, we were able to conclude that the tree
14 foliage had an effect on the readout of the radar
15 instrument that became very pronounced during periods
16 of higher than normal wind. The radar instrument
17 readout was also affected by the billboard as well as
18 the buildings.

19 We discovered that by changing the direction
20 by one or two degrees in which we were aiming the
21 instrument, we could change the reading on the
22 instrument. Parts of the radar beam were being bounced
23 off the store fronts to the target vehicle and back
24 from the target vehicle to the store front and to the
25 radar receiver which is part of the gun.

1 The conclusion, don't set up for radar speed
2 checks in locations where there are large billboards or
3 large buildings with large reflective surfaces --
4 windows and a lot of glass surfaces, some of the very
5 slick tile, it's all very reflective, all has a
6 tremendous effect on the reflection of the beam.

7 Reflections caused by such surfaces caused
8 confusing, erroneous readings and couldn't be relied
9 upon to give true, accurate speed readings of the
10 target vehicle. The large tree, we believe, caused
11 reflection and some absorption off the radar beam
12 resulting in what we found to be inaccurate speed
13 readings.

14 Another technical problem that can cause
15 results in an apparent target vehicle measurement to
16 be, if not inaccurate, at least inconclusive is the
17 beam width of the radar signal, unlike a laser beam
18 which is coherent and, therefore, retains its width
19 from the point of emission to the point of reflection.

20 Radar beam is non-coherent. It begins to
21 spread out the moment that it leaves the radar gun.
22 Technology of transmission provides the ability to
23 shape the beam, somewhat, and current radar guns have a
24 beam width of something about one degree. But if you
25 know your trigonometry, you know a one degree beam at

1 1,000 feet is about 17 and a half feet wide, the width
2 of a traffic lane.

3 The beam can't determine if there are
4 multiple targets within its width; specifically, which
5 target is being recorded. The only way that will ever
6 happen is if they put some kind of signal transponder
7 in every vehicle, like the military people, that
8 responds with a specific code to the beam and
9 identifies that specific vehicle. And I don't think
10 that will ever happen.

11 There is, therefore, absolutely no way that
12 an officer can testify to having measured the speed of
13 a specific vehicle if, as is usually the case on a busy
14 residential street, there are multiple vehicles
15 traveling within the beam width of the radar gun.

16 Given these problems which must be considered
17 to be deficiencies; i.e., that is errors caused by
18 reflection and/or absorption and errors caused because
19 multiple targets can't be specifically identified by
20 the operator of the gun, courts will -- I can assure
21 you of this, because there are attorneys out there who
22 will be earning their daily keep by representing people
23 who are given a speeding ticket for speeding that is
24 identified as one of the result of a radar gun.

25 The courts will lose consideration and lose

1 integrity of the instrument. They will doubt its
2 faithfulness. They will doubt the use of it; and
3 ultimately, I believe that will have a negative
4 circumstance when radar cases are challenged in court.

5 And with that, I will be pleased to answer or
6 respond to any of your questions or comments.

7 REPRESENTATIVE LEH: Thank you very much, Mr.
8 Kimmel. I guess my first question is, among officers
9 now -- the State Police use radar, is this common
10 knowledge to them? In other words, are they -- do they
11 learn this, that it could be reflected?

12 MR. KIMMEL: Yes.

13 REPRESENTATIVE LEH: That's something that
14 would be taught to local police officers?

15 MR. KIMMEL: That's correct. I would hope it
16 could be taught. I would hope it would, yeah.

17 CHAIRMAN GEIST: Your testimony was
18 wonderful. It's what we heard when we met with the
19 State Police and others, that in an urban setting what
20 other things -- other than generators, air
21 conditioners, air compressors on top of buildings.
22 What else has a signal that they send that can be
23 interpreted by the instrument?

24 MR. KIMMEL: Well, if it can be interpreted
25 by the tone of a tuning fork, that means it can be

1 interpreted by anything that vibrates at a frequency
2 within the scope of perimeters of the gun. It's simply
3 a vibration that it's picking up, and in measuring.

4 And so I would say that anything that's
5 operating within the frequencies, the audible
6 frequencies that will reflect themselves and be
7 interpreted as speed -- identified as speeds will cause
8 conflict.

9 CHAIRMAN GEIST: Burglar alarms -- some
10 burglar alarms have a tremendous effect with this. How
11 does that work?

12 MR. KIMMEL: Again, I believe it probably has
13 to do with the frequency of any radiation that comes
14 off of that burglar alarm. It's an interference that
15 just is not recognized as a specific -- the specific
16 source isn't recognized by the radar device.

17 It recognizes there is a vibration at a
18 frequency that it does something to its innards and
19 says, oh my golly. I should put a readout on the
20 screen.

21 REPRESENTATIVE LEH: Okay. Representative
22 McCall.

23 REPRESENTATIVE MCCALL: Thank you, Mr.
24 Chairman. Mr. Kimmel, do you recall what the
25 differential in speed was when you were conducting the

1 report in York when you say -- after they adjusted the
2 laser for the radar with the tuning fork, that when we
3 started to hone in on the cars at that actual speed,
4 there was a differential from actual speed to what was
5 recorded. Do you recall what that was?

6 MR. KIMMEL: We did the speeds at a number of
7 different rates and the gun is always reading less than
8 the -- always reading less than the speed of the
9 vehicle.

10 And, again, it's a matter of trigonometry.
11 If a beam goes out here to a point and bounces to here
12 and bounces to a third point, the fact is that it takes
13 longer to get back to its original point; therefore,
14 it's going to read -- it's going to look like what was
15 happening to it was slower, traveling slower than it
16 was. It will never add on.

17 REPRESENTATIVE MCCALL: That was in every
18 case, it was at a less speed?

19 MR. KIMMEL: Yes.

20 REPRESENTATIVE MCCALL: Was there a report
21 issued that you're aware of?

22 MR. KIMMEL: Yes.

23 REPRESENTATIVE MCCALL: From that report,
24 were there standards issued by the Department?

25 MR. KIMMEL: From that report and that --

1 those series of tests, we developed additional data for
2 the training of officers at Hershey and in the field.

3 REPRESENTATIVE MCCALL: And would you not
4 think that experience would dictate that -- at least
5 the experience of an operator who uses radar on a
6 regular basis, the experience of his eye would be able
7 to detect that vehicle that's moving at a high rate of
8 speed and a vehicle moving at a slow rate of speed?

9 MR. KIMMEL: The courts have long determined
10 that the officer -- a well-trained officer --
11 understands and can determine which vehicle is moving,
12 if there are multiple vehicles which is moving faster
13 than the other.

14 The problem with that is not that he can
15 identify it, he can't swear in court that what was on
16 the readout of his instrument was coming from that
17 specific vehicle that he was looking at.

18 There's no way for him to identify it
19 positively. I have to believe that an attorney who is
20 defending a person, to keep them from losing their
21 driver's license, is going to really, really hone in on
22 that particular situation to satisfy the circumstance
23 for his client.

24 Ultimately, what will happen is that more and
25 more cases will go out of court on the basis that there

1 wasn't enough positive response, positive
2 identification, and ultimately the integrity of the
3 device has to move in the downward slope.

4 REPRESENTATIVE MCCALL: What about laser? Do
5 you know anything about laser?

6 MR. KIMMEL: Yes. Laser is a coherent beam.
7 Any of you who have used a laser pointer on a chart on
8 the wall know that you get a tiny little beam going out
9 and the same width beam coming back. It doesn't rotate
10 so you know what you're looking at. You know what it's
11 seeing. The lasers that are on weapons do exactly the
12 same thing. You know what your target is. There's no
13 question about what the target is.

14 Now, as far as interference is concerned,
15 lasers can be interfered like radar if you can get
16 within the beam width. The thing is it's a very
17 narrow beam. So getting in there to cause any
18 interference is much more difficult, nearly impossible.

19 REPRESENTATIVE MCCALL: Very good. Thank
20 you.

21 CHAIRMAN GEIST: I have a couple questions.
22 I'm going to put on my engineering hat from my former
23 life. The forming of a frontal area that radar sees,
24 are you familiar with that?

25 MR. KIMMEL: I'm sorry?

1 CHAIRMAN GEIST: The formula for frontal area
2 that radar will reflect off, are you aware of that, the
3 formulas?

4 MR. KIMMEL: Yes, sir.

5 CHAIRMAN GEIST: On the formula, if I have an
6 absorbing vehicle, a Corvette, for instance, coming at
7 me with a frontal area, the reflective area -- and I
8 got three credit courses now more than I ever wanted to
9 learn in my life -- a Corvette coming at you at a
10 thousand feet versus a truck coming at you at three
11 thousand feet with triple the frontal area, the radar
12 will give you the reading off of the truck rather than
13 the Corvette, is that correct?

14 MR. KIMMEL: That's correct.

15 CHAIRMAN GEIST: That's all computer?

16 MR. KIMMEL: Yes, sir.

17 CHAIRMAN GEIST: Frontal area is absorption.
18 Every vehicle has one. The idea of sight
19 identification -- and the State Police make it very,
20 very clear in all their training -- no one should write
21 a radar ticket unless it's absolutely positive he has a
22 clean reading in his sight?

23 MR. KIMMEL: That's his training, yes, sir.

24 CHAIRMAN GEIST: And what we're getting from
25 you and others who are experts -- by the way, your

1 testimony was wonderful -- is that in an urban setting,
2 there are so many different assumptions that a police
3 officer has to make in so many ways that the radar can
4 be compromised. It's going to make it very difficult
5 for us to do that. The laser at least cuts that down?

6 MR. KIMMEL: That's correct.

7 CHAIRMAN GEIST: Let's go back to that
8 frontal area again. We know that we've had the
9 restrictions, we try to write in here on transition
10 zones and other areas. We also know that certification
11 we have 48 -- 45 percentile.

12 If you were writing this legislation, would
13 you take that issue of radar and laser and because of
14 the compromising of the radar, even with the huge
15 amount of training that it's going to take, would you
16 just write radar out and write laser in? Would you
17 skip that generation of technology?

18 MR. KIMMEL: If it were my choice, I would
19 not want to see an officer in a local department
20 burdened with the details. He would have to prepare
21 and present in court in every case that he wrote a
22 ticket for, because I don't think he could win. I do
23 not think that he would win many of his cases.

24 The only place I believe that he could win is
25 if he could absolutely swear in court that there was no

1 one on the street where he was set up, there were no
2 vehicles moving in the opposite direction in the
3 adjacent lane, there were no multiple -- were not
4 multiple vehicles in this site, there were no large
5 billboards or large glass windows or large reflective
6 places, and that he was within a reasonable distance
7 and not 20 degrees off of the center of the street when
8 he did his measurements. If he could go into court and
9 give that kind of testimony, those are the cases he'll
10 win.

11 CHAIRMAN GEIST: We tried to write all of
12 that into the bill, by the way. I'm telling you, it
13 was not successful.

14 MR. KIMMEL: I can believe it. I've been
15 called to testify in court by attorneys who were
16 working for their clients and had to say, my -- the
17 officer did not know; there's no way he could have
18 known all of these facts.

19 It just isn't -- the information isn't there.
20 The only question he can tell if there are -- a couple
21 of vehicles coming, he can tell which one is coming
22 faster.

23 He's trained to do that. His eye very
24 quickly tells him. He can tell if one is smaller and
25 one is larger. If one is smaller and one is larger,

1 which were you measuring? Well, you better say I was
2 measuring the larger vehicle because he certainly was.

3 CHAIRMAN GEIST: Thank you. You're the only
4 guy so far who has testified to understanding the
5 dilemma we have.

6 MR. KIMMEL: It's a huge dilemma. I talked
7 to some local police officers the other day. They said
8 look, we're only interested in the residential areas,
9 that's where we want to use this instrument, and things
10 went off in my head right away.

11 I could see all of the problems that would
12 arise, vehicles parked -- every one of them being a
13 reflective target that would confuse, even though
14 they're sitting still, confuse the flow of the
15 instrument's beam.

16 Large windows in the front of the residence,
17 massive, massive trees full of foliage, all of these
18 things have so much influence over what the gun is
19 really seeing. And when I read your act, I see that
20 the driver is protected because he must be going 6
21 miles or 10 miles over the speed limit but it doesn't
22 matter.

23 If he's taken into court and the
24 representative who is -- the gentleman who is
25 representing him or the person who is representing him

1 says, but I don't care if you say he was going 10 miles
2 over the limit, you don't know exactly what he was
3 doing. You can't testify to what specifically he was
4 doing.

5 The case goes out to the Court, the Court
6 says, we don't want any more of these cases, don't
7 bother us with them. I believe that's ultimately what
8 will happen over the long run.

9 CHAIRMAN GEIST: The Chair recognizes
10 Representative Watson.

11 REPRESENTATIVE WATSON: Thank you very much.
12 And I guess since your testimony had come in ahead of
13 time, I had an opportunity to read it before and made
14 notes. It was so well done and brought up certainly a
15 problem I only know a little bit about. I did a little
16 more research.

17 I am trying to understand from what I read
18 and made some notes. Then you are saying that the
19 State Police who use radar for a number of years,
20 testify in court, were only successful if indeed it's
21 on a big super highway with literally no trees or
22 anything nearby. Even then, I think of myself driving
23 from Bucks County to Harrisburg. There's always a
24 truck nearby. There's always -- I guess I'm wondering
25 what their rate of success has been then when they use

1 this holding up in court.

2 MR. KIMMEL: Well, if I may in responding to
3 you, if you get into the minds of the people, up to
4 now, it's only state police who have used them. So
5 when a person gets a ticket for speeding and it says on
6 it radar, and it's a state police officer, 9 times out
7 of 10 -- I don't know the exact specific numbers --

8 CHAIRMAN GEIST: 97 percent.

9 MR. KIMMEL: 97 percent pay the ticket. They
10 don't bother going to court. But there are attorneys
11 out there who are looking for business. And their
12 specialty is to find business that they know they're
13 going to win.

14 If some of those 97 percent of the people who
15 have been paying their tickets went and found one of
16 these attorneys, went into court, then the arguments
17 that you're talking about would come up and then those
18 cases would have been lost. It just doesn't happen
19 because it doesn't even get to court.

20 Should the instrument become more prevalently
21 used and in local situations, you can bet there will be
22 attorneys seeking business and they will be bringing
23 more cases than the 3 percent into the courts and there
24 would be more cases lost.

25 REPRESENTATIVE WATSON: While I don't

1 disagree in any way of your assessment of certain types
2 of attorneys --

3 MR. KIMMEL: These are good attorneys,
4 believe me.

5 REPRESENTATIVE WATSON: They're real good at
6 what they do, getting those people off for DUI. I
7 spend a lot of time working in the courthouse. I have
8 a real different view.

9 In any event, are you suggesting then because
10 of the problem that -- I guess I have trouble
11 understanding that negates the possible use because of
12 certain attorneys and what they might do. What I don't
13 understand is these problems are known and understood,
14 in effect, in teaching the use of radar; in teaching
15 it, courses that are required before one can -- a
16 police department can use it. I guess I don't
17 understand why that could not be accounted for.

18 And within a local municipality, if they
19 choose, simply would be a tool that they would have,
20 some would say, for the way our municipality is
21 configured. According to the course we took, this
22 isn't an effective tool for us. It's not going to
23 work.

24 MR. KIMMEL: True.

25 REPRESENTATIVE WATSON: At the same time, and

1 Representative Steil testified and for places I can
2 think of in my district in Bucks County, it would be a
3 very effective tool. And I believe that -- I mean, I
4 guess we could go back to something I said earlier.

5 I have the utmost faith at least in the
6 police officers and the training they are provided in
7 the county I represent, because it's the county I've
8 lived in for years and know best and actually worked
9 with police officers.

10 I have a very high regard for the level of
11 training that they get at the Bucks County Police
12 Training Center, and the gentlemen that coordinate
13 that.

14 I would think they would sit there because
15 police officers never want to be -- have their case
16 thrown out in court. So I would think they would pick
17 strategic locations, if that's a tool that would work,
18 where it would be effective in the same way on a very
19 simple level, setting up speed traps.

20 Now, I guess that's what I have trouble
21 seeing from what your testimony is. We might as well
22 not use it at all anywhere unless I have kind of
23 optimum conditions. I'm sure the State Police have
24 accounted for that over the years.

25 And I appreciate the fact if the rate is 97

1 percent that people don't question it, I guess they're
2 probably doing the high speed. They know they're going
3 100. They pass me all the time. Of course, they get
4 caught and don't try to question or go after the
5 ticket.

6 But I guess I'm down to some issue of
7 understanding education and a little bit of faith, they
8 would use it effectively because they like to have a
9 really good arrest and conviction record, too.

10 MR. KIMMEL: What you're saying is absolutely
11 true, that given the training that I know that the
12 radar users in the State Police -- not every trooper,
13 by the way, is on the radar team or wasn't when I was
14 there. Maybe they are now, but they weren't. They
15 were selected and certified and given that training. I
16 am certain they would do the right thing. That's what
17 police officers do.

18 And you're right, they don't want to lose.
19 But you remember that they're going after citizens who
20 also don't want to lose. They don't want to lose their
21 licenses. You're going to see much more reaction
22 against the giving of tickets at 35 or 40 miles an hour
23 than you would under others.

24 You're going to see more challenges of that
25 training that those officers have been given because

1 it's -- there are going to be more cases going into
2 court. It's simply a matter of defense on the part of
3 the citizens.

4 Believe me, I want to see every police
5 officer have every tool that is possible for him to
6 have to do his job. I've been there. I know what it's
7 like. I was in Pittsburgh when they were burning down
8 the city. I was in York when they were burning down
9 that city.

10 I've stood in the positions where things
11 weren't really nice. I know what police officers do
12 and what they have to do. But they need to be given
13 tools not only that they can learn to use properly but
14 they can trust no matter what they do with them.

15 If you're living in a community, I would hope
16 that you were right about the business, that a
17 department in some communities may say, well, it
18 doesn't satisfy us. We can't use it because of the
19 layout of our community. I doubt that that will
20 happen, but it might.

21 CHAIRMAN GEIST: Let me ask a good question,
22 that I think that we're getting around one of the fears
23 that we had about this in residential neighborhoods was
24 exactly the stuff that you articulated.

25 One of the other fears that has been

1 expressed to us from others is exactly as you've said
2 it, but not on an individual basis where they get the
3 ticket, but where they get a judge that says that this
4 is so flawed, you can't use it. That takes the State
5 Police and everybody else out of the game until the
6 General Assembly comes back and writes another law.

7 MR. KIMMEL: That's my --

8 CHAIRMAN GEIST: Is that your opinion, also?

9 MR. KIMMEL: Exactly.

10 CHAIRMAN GEIST: I don't want to lead the
11 witness. I'm not an attorney.

12 MR. KIMMEL: That's exactly my opinion. If I
13 didn't imply it, it's definitely my opinion that the
14 instrument placed in the hands of local departments in
15 communities where the instrument shouldn't be used, I
16 don't care how good the officer is or how much training
17 he has; if it's put in his hands and told, you go out
18 and use it on this street, it goes into court as it
19 will. The Court is going to say, throw this out and
20 don't ever come back to me with this instrument, then
21 you're right.

22 The next thing, across the state it just goes
23 on and on and builds up and builds up so it ultimately
24 -- the integrity of the device is totally gone in
25 court.

1 It takes laser -- I don't think that will
2 happen because, I said, it's very, very specific what
3 it's looking at. The officer can stand there and there
4 can be a thousand cars around him, there can be a lot
5 of other things around him. He knows what he is
6 seeing. There's no question in his mind.

7 CHAIRMAN GEIST: Thank you. Chair recognizes
8 Representative Steil.

9 REPRESENTATIVE STEIL: Thank you, Mr.
10 Chairman. Two questions; the first question has to do
11 with training, the State Police in their training. It
12 includes part of the difficulties that you've
13 described, and they are trained in how to utilize the
14 device to overcome those difficulties.

15 MR. KIMMEL: That's correct.

16 REPRESENTATIVE STEIL: Is it your thought or
17 your suggestion that in training local police to
18 utilize the radar systems, that the training needs to
19 be expanded or needs to be different than that which is
20 received by the State Police in operation of the same
21 tool?

22 MR. KIMMEL: No. The same information holds
23 for the local police officers that holds for the State
24 Police. State policemen, I hope, would not think of
25 going into a built-up area and consistently using the

1 instrument because it's just going to fail for them.
2 And I believe that given that information, the local
3 departments would know the same thing.

4 REPRESENTATIVE STEIL: The second question
5 has to do with the fact that many others, as I believe
6 is the most belief, other states utilize radar now in
7 all of their local applications and statewide
8 applications.

9 Do you have any knowledge or experience in
10 terms of the kinds of litigation that those states have
11 faced with regard to use of radar and whether or not
12 they have had to address it one way or another, the
13 issues which you have described particularly as it
14 relates to the courts?

15 MR. KIMMEL: I don't. I had one personal
16 experience in a local department. I was in Arizona and
17 came through a little town in a terrible storm right in
18 the copper mining area, and I saw the police car
19 sitting up on the little hill as I went by. And I went
20 on past him and he pulled up and stopped me. And he
21 said, you were going 40 miles an hour. I said, no, no,
22 couldn't be. He identified himself and showed me his
23 speedometer reading.

24 I said, you know, that wasn't working very
25 well. And once I identified myself, we talked a little

1 bit about it. He agreed that he wasn't sure that I was
2 going that fast. I probably wasn't anyway because I'll
3 tell you, it was raining like hell, but I don't know.

4 REPRESENTATIVE STEIL: The question really is
5 whether or not you have any knowledge in terms of
6 expert witnesses. Have you testified in other states
7 that have set forth specific procedures to overcome
8 those kinds of things?

9 MR. KIMMEL: No, I haven't had that
10 experience.

11 REPRESENTATIVE STEIL: Thank you, Mr.
12 Chairman.

13 CHAIRMAN GEIST: All right. Eric Bugaile.

14 MR. BUGAILE: We've heard your testimony on
15 this. What's your recommendation then because what
16 we've come up with, obviously, is a bill. It's
17 two-fold for radar and Lidar. It would be your opinion
18 that we should proceed with just Lidar or should we --
19 or is there for residential neighborhoods which is what
20 the chiefs of police tell us that they want this
21 legislation for, what do you feel is the ideal device
22 to use in residential neighborhoods?

23 MR. KIMMEL: I think they would have a device
24 they were not satisfied with and certainly would be the
25 losers if they used radar in those built-up areas. I

1 can't think of any way that I could teach an officer to
2 properly use and then testify to what he has done in
3 court and be a winner more than a few times. I can't
4 think of any way to do it.

5 MR. BUGAILE: Is there a particular device in
6 your experience you would recommend in this? Is there
7 something other than a speed timing device that you
8 feel that fits better?

9 MR. KIMMEL: Some of them are really bad.
10 Laser applications are the only thing that come to my
11 mind that allows the technology that's as fool proof as
12 it's possible to be in those kinds of circumstances.

13 MR. BUGAILE: Thank you.

14 CHAIRMAN GEIST: Anyone else?

15 REPRESENTATIVE MCCALL: I would say for the
16 record, it's obvious if you look at the industry -- we
17 have brochures up here from Stalker -- if you refer to
18 their choices, they say that Lidar. They must
19 recognize what they're saying because Lidar is the best
20 choice for dense traffic speed enforcement. I'm sure
21 the industry also recognizes the problems that you've
22 mentioned here today.

23 MR. KIMMEL: It does. I'm sure they still
24 want to sell the other things if they can. I would if
25 I were in that business.

1 REPRESENTATIVE LEH: It seems the wisdom of
2 the Committee precedes me as everybody asked their
3 questions. I received answers to all of mine. I would
4 just like to remark to something you had mentioned,
5 though, about the loss of license, that that would be a
6 concern in the bill. Would you have a 26 mile per hour
7 over with regards to points?

8 In other words, you would have to go and be
9 nailed for 26 miles an hour plus before you got any
10 points; therefore, if there wouldn't be the -- I don't
11 quite see the possibility. There are a lot of people
12 losing their driver's licenses. So that's one way.
13 Anyway, thank you very much.

14 REPRESENTATIVE LEH: We appreciate your
15 testimony. We very much thank you for coming. Next,
16 the Chair would like to recognize Joseph Czajkowski.
17 Thank you. You are the Township manager of Warwick
18 Township?

19 MR. CZAJKOWSKI: Yes.

20 REPRESENTATIVE LEH: Thank you. Have a seat.

21 MR. CZAJKOWSKI: We would like to thank you,
22 Mr. Chairman, and other committee members that have
23 given me the opportunity to address you on this issue.
24 This is a little bit of background. I have been the
25 manager of Warwick Township of approximately 12,000,

1 and we're kind of on the outer edges of Representative
2 Steil's district at least for the moment.

3 We're unfortunately going to be redistricted,
4 leaving Mr. Steil, unfortunately. I want to read a
5 short statement I prepared for you. Bucks County and
6 specifically Warwick Township has sustained
7 unprecedented growth. Between 1990 and 2000, Warwick
8 Township increased in population by 102 percent, the
9 largest increase in the county and one of the largest
10 in the state.

11 Along with these new residents, we're now
12 experiencing growth in their commercial sector. What
13 do these changes bring with them? Cars and more of
14 them.

15 In recent years, resident complaints
16 concerning traffic, both with the amount and speed,
17 have far outpaced all other complaints. We have up to
18 this point in time had marginal success with dealing
19 with the speed issue.

20 While one might assume that the increased
21 development would lead to lower speeds, we have
22 experienced no decrease and have noticed an increase in
23 the spikes (those odd individuals whose speeds far
24 exceed the average).

25 This has been quite a concern along our Route

1 263 corridor. Route 263 is the York Road. On York
2 Road, a four-lane artery, where once speeding was an
3 annoyance, it is now a major safety concern. This
4 corridor has seen a number of speed-related deaths in
5 recent years.

6 Municipalities need assistance and the tools
7 in the effort to make our local roads safe. While
8 there are other methods used to enforce speed limits,
9 their accuracy and the need for multiple police
10 personnel bring into question their usefulness and our
11 ability to pay them as we regularly incur overtime with
12 speed details.

13 Radar and Lidar will allow our police
14 department to accurately monitor and enforce traffic
15 speed laws in a manner that is both accurate and cost
16 effective. It will also allow municipalities to react
17 to concerns in a timely manner. But most of all, it
18 will enable us to make our roadways safer for all.

19 Thank you.

20 REPRESENTATIVE LEH: Thank you very much. I
21 guess my first question -- I don't mean to put you on
22 the spot, I know you had prepared testimony, but in
23 light of what Mr. Kimmel had to say, in other words,
24 with regards to your testimony, how can you respond to
25 his comments concerning the validity of using radar?

1 We back that up to if radar wouldn't be an
2 issue or radar became an issue in the negative sense,
3 would your township -- could you afford to purchase
4 Lidar?

5 MR. CZAJKOWSKI: That's something we would
6 have to look at. Obviously, radar, I think I only know
7 through Mr. Kimmel's testimony, there are areas of our
8 township that radar would probably be effective. There
9 are open areas with not a lot of development.

10 We have a four-lane artery with roughly half
11 of the length of the artery going through the Township.
12 That is not what I would call densely developed.

13 REPRESENTATIVE LEH: I guess your township
14 would be somewhat similar to mine. I know my own
15 police department, they would like to use radar because
16 my constituents use it, but according to Mr. Kimmel's
17 testimony that might not be real practical.

18 MR. CZAJKOWSKI: As Representative Steil, we
19 do get a lot of complaints for the 263 corridor as far
20 as speed is concerned. As Representative Steil knows,
21 it's a much more heavily traveled artery than it was
22 10, 20 years ago when it was built.

23 And we do receive daily complaints for
24 speeding on that corridor.

25 REPRESENTATIVE LEH: In my own township of

1 Amity, in one of the other areas I think it would
2 probably be very common in any other township in that
3 one through street that we have, many of the people who
4 are newcomers to the area, they readily complain to the
5 township supervisors that they want speed checks
6 because people are traveling too fast.

7 The local police chief started their own
8 speed checks and started to write some tickets; low and
9 behold, the same people are showing up at the next
10 township supervisors' meeting complaining.

11 MR. CZAJKOWSKI: That's, unfortunately, not
12 uncommon.

13 REPRESENTATIVE LEH: The Chair would
14 entertain questions from the member on the right,
15 Representative Steil.

16 REPRESENTATIVE STEIL: Just one quick
17 question. What do you use now? What does the
18 department use now to enforce speed checks or do speed
19 checks on York Road off 263?

20 MR. CZAJKOWSKI: VASCAR and ESP.

21 REPRESENTATIVE STEIL: So in your estimation,
22 is the value of having radar and Lidar available to you
23 simply to expand your arsenal of tools, is that the
24 advantage to you?

25 MR. CZAJKOWSKI: well, from my perspective as

1 manager, which is a little bit different than a police
2 officer or police chief, I see two prong reasons for
3 doing that that add to the arsenal of tools, also to
4 get more cost effective.

5 Especially if we use the ESP-type monitoring
6 device, we don't need multiple police officers out
7 there doing the speed detail which we currently do now.
8 I mean, I can show you monthly overtime reports from
9 our police department where the speed details are
10 always listed.

11 REPRESENTATIVE STEIL: How many officers are
12 normally assigned to the speed detail?

13 MR. CZAJKOWSKI: Two to three.

14 REPRESENTATIVE STEIL: How many active patrol
15 cars do you have on the road?

16 MR. CZAJKOWSKI: Three.

17 REPRESENTATIVE STEIL: If you have two
18 officers on a speed check, that means there's only one
19 car left for active patrol?

20 MR. CZAJKOWSKI: Right.

21 REPRESENTATIVE STEIL: Thank you, Mr. Chair.

22 CHAIRMAN GEIST: I have a question to
23 follow-up. One of the things that we've done in
24 crafting this legislation is we went from -- we went to
25 a definition of what a full-service police department

1 was and what a full-time officer was.

2 Now, there are many in the townships who want
3 to have our definition changed to where they have a
4 "full-time" police chief and "part-time" officers.

5 Now, we know that the association hasn't been
6 on the same page with this. Will the township group in
7 Harrisburg, I don't know if you're part of this --

8 MR. CZAJKOWSKI: Yes.

9 CHAIRMAN GEIST: Will you be on the same
10 page?

11 MR. CZAJKOWSKI: I can't tell you that. I
12 think the members from this section of the state,
13 probably around Pittsburgh and the more developed
14 areas, would probably be on the same page, where we
15 have 18 officers full-time, we don't have part-time.

16 CHAIRMAN GEIST: We have certain counties
17 where every officer in the county is part-time.

18 MR. CZAJKOWSKI: Right. There lies the
19 problem, you know, when you get out of the five county
20 area, you're going to find more of that.

21 CHAIRMAN GEIST: We're here in the cradle of
22 it all. I just wanted to ask you that. I want to know
23 if you're active in the association.

24 MR. CZAJKOWSKI: Depends where you're looking
25 for the individuals. I know there are municipalities

1 out here, frankly, that we kind of butt heads with our
2 compatriots in the center part of the state.

3 CHAIRMAN GEIST: We have Transportation
4 Commission hearings for the next two days. I can tell
5 you what we hear in different parts of the state are so
6 different. Sometimes you think you're in different
7 worlds. I just wanted to throw that out to see if we
8 can get a reaction. Thank you.

9 REPRESENTATIVE LEH: Chair recognizes
10 Representative McCall.

11 REPRESENTATIVE MCCALL: I think
12 Representative Steil asked a lot. Do you run your
13 traffic -- the three police officers, do they work
14 every day?

15 MR. CZAJKOWSKI: Three police officers on a
16 shift.

17 REPRESENTATIVE MCCALL: But are they devoted
18 specifically for speed control or --

19 MR. CZAJKOWSKI: No. If we do a speed --
20 we're doing a speed survey or a speed check, again,
21 we're probably bringing another officer or at least one
22 other officer on so that we have two on patrol and two
23 conducting the speed survey.

24 REPRESENTATIVE MCCALL: Okay. So they are in
25 addition to?

1 MR. CZAJKOWSKI: They are in addition to.

2 REPRESENTATIVE MCCALL: Generally, you do not
3 run them every day?

4 MR. CZAJKOWSKI: No. Depending on activity
5 of the township, depending on the number of complaints
6 from residents.

7 REPRESENTATIVE MCCALL: Have the number of
8 tickets gone up considerably?

9 MR. CZAJKOWSKI: No, we've -- it's fairly --

10 REPRESENTATIVE MCCALL: Has it grown
11 appropriately with the population gain?

12 MR. CZAJKOWSKI: I've been in Warwick for six
13 years. It was probably about 43,000. Now it's between
14 55,000 per year. That's a police budget of about a
15 million and a half. It's not a large portion of our
16 budget.

17 REPRESENTATIVE MCCALL: Thank you.

18 REPRESENTATIVE LEH: Chair would like to
19 recognize Eric Bugaile.

20 MR. BUGAILE: Have you had a speed survey
21 done to your knowledge?

22 MR. CZAJKOWSKI: Recently?

23 MR. BUGAILE: Within the last 15 years I
24 would say.

25 MR. CZAJKOWSKI: Any place we set the speed

1 limit has had a speed survey done.

2 MR. BUGAILE: You haven't taken the advantage
3 of the 25-mile-an-hour residential districts to adopt
4 the speed survey?

5 MR. CZAJKOWSKI: The vast majority of our
6 roads had speed surveys.

7 MR. BUGAILE: Has it any effect?

8 MR. CZAJKOWSKI: That's one of my police
9 chief's points of contention. He doesn't want to be
10 put into a position where he could go into a court and
11 be challenged. That's a stickler.

12 MR. BUGAILE: Smart chief.

13 MR. CZAJKOWSKI: I have a smart chief and a
14 very lucky manager.

15 REPRESENTATIVE WATSON: I thought one
16 question that -- do you have officers that are trained
17 specifically -- you may not maintain a traffic unit.
18 Sergeant Bonnier, doesn't he teach it?

19 MR. CZAJKOWSKI: Yes.

20 REPRESENTATIVE WATSON: Just thought I would
21 mention the folks of the high caliber.

22 CHAIRMAN GEIST: Down here with all the
23 wealth.

24 REPRESENTATIVE WATSON: I come from an area
25 that's not right here. We're talking about wealth of

1 talent and professionalism, it doesn't trade well with
2 the supermarket to buy the groceries in cash.

3 REPRESENTATIVE LEH: Thank you very much. I
4 appreciate your testimony.

5 Next the Chair would like to call Steve P.
6 Daniels, the Chief of Buckingham Township Police
7 Department. Chief Daniels, how are you?

8 MR. DANIELS: Fine, thank you.

9 REPRESENTATIVE LEH: Thank you for coming.

10 MR. DANIELS: I've asked Chief White to sit
11 up here. He's the past president of the Pennsylvania
12 Chiefs' Association, also in charge of the
13 accreditation program that's currently being conducted
14 for the Pennsylvania Chiefs' of Police Association.

15 REPRESENTATIVE LEH: We appreciate having you
16 both up here.

17 MR. DANIELS: First, let me take the
18 opportunity to allow our association, and when I say
19 association, I'm representing the Bucks County Police
20 Chiefs Association as well as I was asked to testify by
21 the Pennsylvania Chiefs Association to testify with
22 regards to the proposed legislation for radar and
23 Lidar.

24 Our association has long been an advocate of
25 this legislation. We feel it's long overdue. As you

1 probably know, we can use several different instruments
2 to determine speeds of vehicles.

3 We use the stopwatch, commonly referred to as
4 Accutract, ESP, and Vascar at the present time. I'm
5 sure there may be other variations of the same type of
6 instruments that are approved for us.

7 While these instruments do work and are being
8 used, they are not in our opinion the best instruments
9 for the job. The stopwatch and the Vascar both require
10 the officer to activate the instrument and then shut
11 the instrument off to determine speed.

12 The result is that many of those cited for
13 violations requested hearings due to the fact that they
14 feel this manual activation is flawed and that the
15 officer may have either activated the instrument too
16 early or too late, thus creating a false reading.

17 The ESP machine has two variations for
18 activation. The first type is within an infrared beam
19 and the second one is a pressure sensitive hose that is
20 placed on the highway. In both of these applications,
21 the vehicle activates the instrument, thus making it,
22 in my opinion, a more accurate activation.

23 The problem with these instruments is that it
24 requires at least two officers, most times three, to
25 enforce the violation. One officer must stay with the

1 equipment while the other officer goes after the
2 offender. If you're working in two directions, then
3 you need an officer on each side.

4 It has been our experience that if you leave
5 the instrument along the side of the road and pursue
6 the offender, when you return, the instrument sensors
7 have been damaged, or in one case we lost the infrared
8 sensors. They were simply stolen.

9 With ESP and Vascar, you must have a given
10 area delineated with the lines painted on the highway
11 so you know the exact location and distance that you
12 are clocking with the offending vehicle.

13 Radar and Lidar in our opinion are more
14 accurate and easier to use if an officer attempts to
15 run a speed check. With the current equipment we're
16 authorized to use, he has to spend a considerable
17 amount of time in preparation to use the equipment and
18 he's limited to the area where he has already marked
19 and knows the required distances for. Radar and Lidar
20 do not require this added preparation to use the
21 equipment.

22 The COPS grants made it possible for many
23 departments to get more officers on the street which
24 was a police for all involved. With the introduction
25 of radar and/or Lidar, you will now allow those

1 officers to make better use of their time on the street
2 in the reduction of speeding violations.

3 I really don't think I have to tell this
4 group that more injuries and death are related to speed
5 than any other factor in traffic accidents. With drunk
6 drivers, you approve equipment to test their breath or
7 blood to determine their blood alcohol content. In
8 overweight truck cases, you approved scales so we can
9 weigh the trucks.

10 In equipment violations, you've approved
11 meters to measure the tint on windshields; and with
12 fingerprints, we can use the new AFIS system. I find
13 it hard to believe we have not been allowed to use the
14 equipment that not only makes our equipment easier and
15 safer, but in our opinion, gives a more accurate
16 determination of vehicle speed.

17 I am aware that there has always been
18 concerns about a given department using radar or Lidar
19 as a money-making tool to fund their given
20 jurisdiction. I think the proposed legislation has
21 addressed this problem and I don't see any need to
22 discuss it further.

23 The final point I would like to make is in
24 regards to safety. With the ESP instrument, you must
25 actually be out in the highway placing the sensors or

1 infrared on the road. Doing this during the daylight
2 is dangerous enough; however, trying to put these items
3 on the highway at night or in a dark uniform is
4 downright dangerous.

5 I know there was a movie that had a line that
6 went something like, if you build it, they will come.
7 I would like to change that and say, if you approve it,
8 we will use it effectively and responsibly.

9 I ask you to allow me to turn the microphone
10 over to Chief White, since he is on the accreditation
11 program and he would like to address the training
12 issues, which I know has been discussed at some of the
13 previous hearings.

14 CHAIRMAN GEIST: We've read the standards,
15 that's how nuts we are.

16 MR. WHITE: I do appreciate the Committee
17 allowing us to testify. Pennsylvania's Law
18 Accreditation Commission, in the first year of
19 existence with 108 standards of every aspect of an
20 employed officer's continual knowledge of the training
21 of the officers in law enforcement.

22 We do not understand the statement of the
23 Commonwealth of Pennsylvania coming into law
24 enforcement and the understanding of their
25 responsibility to have the training and their

1 understanding of their ability to differentiate what
2 Mr. Kimmel was saying, where a good area is, where a
3 good area is not.

4 Our fellow officers in New Jersey, just
5 across in our view here, have used radar extensively
6 throughout their developments throughout the state. I
7 spent the last years with the International Association
8 of Chiefs of Police. There's two things I can bring
9 up.

10 No. 1, the attack on radar that's proposed by
11 Mr. Kimmel, with all due respect to him, has not
12 occurred in every other state and that as we know and
13 you have long since supported this idea, that
14 Pennsylvania is the only one where local police are not
15 permitted to use radar.

16 The fact is in the court challenges, the same
17 argument was brought out when the strict DUI laws were
18 initiated in the early '80s. They said the courts
19 would be inundated with requests for trials and trials.
20 That fact has not occurred. And you know why it has
21 not occurred, in my experience, is because of the level
22 of the training of the officers to recognize what is
23 before them and effectively use the tools they have had
24 to enforce the DUI enforcement.

25 I will tell you now, I believe that's

1 possible with the use of radar. Chief Daniels brings
2 up the point that speed is the highest cause of
3 injuries and death throughout our areas. Our roads
4 were never built to take the speed and volume of
5 traffic. I constantly deal with people coming to me
6 talking about the speeds in their neighborhoods.

7 It's their own neighbors. They know it's
8 them. We need to use effective tools that we can train
9 our officers well in. I think that the quality of
10 people that are in the accreditation commission, there
11 was a need for that and there is a need that
12 Pennsylvania should step forward and develop a
13 statewide accreditation. But it is a recognition that
14 we are capable of doing, that the chiefs of police are
15 dedicated to the idea of continuing to bring up the
16 standards of a police officer that is out there.

17 We will work with this committee if this
18 legislation is passed to ensure that the proper amount
19 of training is instituted and taken by every chief of
20 police in every police department in the area. And,
21 again, Representative Watson does constantly bring out
22 the quality and level of the training of the police
23 officers in this area.

24 I think that is true throughout the
25 Commonwealth of Pennsylvania. I thank you for the

1 opportunity to speak to you, but I think it is a
2 recognition that we understand what we need to do.
3 We're here to step up to the bat to do what we need to
4 do.

5 REPRESENTATIVE LEH: Okay. Thank you very
6 much. If you have the ability, in other words, -- I
7 shouldn't use that term. Really, is there anything in
8 the bill that you would like to see changed?

9 MR. WHITE: I would like to see it passed.

10 REPRESENTATIVE LEH: All you folks are on the
11 same page. You need more money from the township
12 supervisors.

13 MR. DANIELS: I had a concern with -- I
14 expressed this, it was the number of hours or days
15 worked. Since we work a 12-hour shift or the
16 Departments works a 12-hour shift, the requirement that
17 so many days per year, we would actually work less days
18 than that. We are definitely a full-time department.
19 We have 21 uniformed --

20 CHAIRMAN GEIST: Could you explain the
21 definition of full-time for the record just so we know
22 this.

23 MR. DANIELS: 2080 hours per year.

24 CHAIRMAN GEIST: What does that department
25 provide as a full-time?

1 MR. DANIELS: We do everything. We do the
2 criminal investigations down to the dog complaint
3 because, you know, there's nothing that we don't cover.
4 And I think it's important that that portion be
5 changed, because I wouldn't want to see departments
6 have much larger --

7 CHAIRMAN GEIST: We have to change that
8 because of the pension in the departments -- third
9 class citizens which I represent.

10 MR. DANIELS: I did see that. It will be
11 addressed.

12 REPRESENTATIVE LEH: The new bill reflects
13 that.

14 CHAIRMAN GEIST: Let me ask a question while
15 we're doing this. How do you answer this question as a
16 responsible chief? The City of Harrisburg writes X
17 number of tickets a year. Dauphin Borough, which is a
18 dot on the map, writes 50 times the amount of speeding
19 tickets with one officer as the Harrisburg Police
20 Department does with a full-time, full service police
21 department.

22 MR. DANIELS: This to me -- I'm not speaking
23 as an association, just as an individual. The way to
24 relate that is take that money away from that
25 department by going and putting that money into a given

1 state fund and allocate the same as you do currently
2 with the full tax money and the miles of road.

3 That's going to put an end to that, but that
4 borough is not going to be getting that big cut of
5 money which I'm sure, in my opinion, is the reason he's
6 out there doing that. I think that would put a stop to
7 that. I'm not out there for the money for my
8 department. My supervisors may not like that.

9 That is of little concern to me. You can
10 appeal to the people off the highway like we both have.
11 Before we came down here last week, I had a two car --
12 actually a three vehicle accident, two Corvettes and a
13 poor lady that pulled out of -- actually on Route
14 263 -- because I'm the neighboring township to
15 Warwick -- she pulled out. The cars were not visible,
16 and the two Corvettes were racing.

17 The construction has put the speed at 25
18 miles an hour. They both have admitted they were doing
19 125. Thank God, no one was killed. This is what the
20 township manager from Warwick testified to on Route
21 263, which is an every day occurrence and to get out
22 there and try and set these Vascars.

23 CHAIRMAN GEIST: One of the roads you have to
24 have permission from the State to run radar?

25 MR. DANIELS: Limited access.

1 MR. WHITE: No.

2 CHAIRMAN GEIST: We've wrestled with the
3 problem with the bill as you well know because of the
4 abuse some local departments had on the interstate with
5 limited access. You have worked on this as much as we
6 do.

7 MR. WHITE: Route 202 and 61 bypass are
8 limited access highways. We do need permission from
9 the Pennsylvania State Police due to the huge area they
10 have to cover that are not necessarily in other areas
11 that come into the area for special details.

12 They have given us permission to enforce the
13 speed on the bypasses. We don't have the time. We
14 have so many -- so much of a volume of vehicles within
15 our residential areas, that's primarily where we need
16 to be. I think when you have the five percent in here,
17 that's a real clear challenge and it would be a
18 sanction and it should be enforced.

19 CHAIRMAN GEIST: That five percent --

20 MR. WHITE: The objection you're bringing up
21 by doing that is recognized and it should be done. I
22 think that it's, you know, of all the people coming
23 into my office, often speed is the constant companion
24 why they're coming in there. And we do need to make it
25 easy for the officers to be able to go out and they can

1 be well-trained.

2 They could be held responsible, hold the
3 chief of police responsible for the training. But we
4 recognize what we need to do and we're standing here
5 ready to do.

6 REPRESENTATIVE LEH: Chair recognizes other
7 members. Representative Watson?

8 REPRESENTATIVE WATSON: No.

9 REPRESENTATIVE LEH: Thank you very much.

10 MR. WHITE: Thank you.

11 REPRESENTATIVE LEH: Chair now recognizes J.
12 Robert Cartwright.

13 MR. CARTWRIGHT: Good morning, Chief. I
14 asked to have the opportunity to come down and speak
15 with you folks today. I've had contact with
16 Representative Leh's office in reference to this bill.
17 I had the opportunity to review it.

18 I probably represent the small segment of law
19 enforcement within the Commonwealth of Pennsylvania,
20 but within a statewide jurisdiction of the House of
21 Representatives represent a bulk of it in that most
22 police departments, if you go back to your home
23 representative districts, especially in small rural
24 counties, you'll find that most police departments --
25 there are over 1,200 police departments in the

1 Commonwealth of Pennsylvania, which employ over 21,000
2 police officers. Of those, only three to four thousand
3 police officers in the state are part-time.

4 My municipal police department is probably
5 one of the smallest in the state. We represent 579
6 residents in the population. As you yourself know in
7 times, many municipalities struggle with the problem
8 where they should have local police or rely on state
9 police. My municipality, since 1989, has had its own
10 police department. We fund our own police department.

11 I read the bill. I'm objecting to the bill
12 and have some strong concerns in reference to the issue
13 that has to do with full-time. I have serious remarks
14 when it said that the inference comes across that small
15 municipal police departments are out there to pay the
16 mortgage on the town hall.

17 I don't know of any police officer -- I'm
18 familiar with Representative Leh's office and it
19 familiarized me with Dauphin Borough or Dauphin Police
20 Department that's near Harrisburg, which is quite a
21 ways away from myself. I did a survey in my
22 representative's home district. In his district, we
23 have 11 departments. Seven of the 11 will not be
24 allowed to use radar.

25 And I would ask that the representatives of

1 the Transportation Committee go back to your home areas
2 and do your own survey. I was in contact with the
3 Municipal Police Training and Education Commission as
4 late as this morning, still trying to gather data on
5 how many police departments of those 1,200 are
6 full-time departments and how many of those are
7 part-time departments. They could not give me the
8 answer.

9 My department is made up of one full-time
10 officer, me, the chief. I have four part-timers who
11 work less than 32 hours a week.

12 I do not conduct, my department -- nor do I
13 know of any other one in our county that a police
14 officer that goes to work on each and every day with
15 the idea that I have to pay the streetlight bill or the
16 mortgage on the town hall.

17 We operate under budget. We operate with the
18 premise we're there to do our job, protect the
19 citizens, which is exactly that. A lot of areas in the
20 Commonwealth are not major metropolitan areas such as
21 Philadelphia, Berks County, Reading area.

22 My municipality sits on 611, four miles south
23 of Delaware Water Gap. We have a bridge that connects
24 us with Exit 4 on the interstate, Jersey Rivertown,
25 with Interstate 80 traffic flowing through it.

1 My municipality police budget last year was
2 \$72,000. Last year my police department generated in
3 fine revenue, I think the actual number came in about
4 \$7,600 worth of fine revenue. I do not have the time
5 as a full-time officer nor do my part-time officers
6 have the time or effort to go out and become a
7 ticket-writing machine.

8 It's unfortunate that a municipal police
9 department in Dauphin -- if you had chosen to take away
10 that, would raise the eyes of not just John Q public,
11 it would raise the eyebrows of fellow law enforcement
12 how a small municipal department can generate that many
13 tickets, that much fine revenue within a reasonably
14 short time and outdo a city police department.

15 I feel that representing the small rural
16 block of police officers and small police departments,
17 that I do find it offensive that we're referred to as
18 productive ticket-writing machines and, in fact, the
19 data has not been compiled as much for this committee.

20 We've been able to find the actual numbers,
21 where they're at, what municipal budgets are for police
22 departments, what they generated in fine revenue and
23 compare if radar is going to help or it increases the
24 fine revenue.

25 I agree with the chief, the chief that spoke

1 before. I have no problem with the bill being changed.
2 You take the money and put it towards drunk driver
3 efforts, put it towards whatever the House feels that
4 would better reflect the areas in Pennsylvania, whether
5 it's approved roads or other programs, rather than
6 going back to the municipality to become a
7 revenue-generating machine.

8 I know in our borough, if my borough were to
9 see that kind of revenue in that kind of tickets coming
10 through the door, they would be very concerned because
11 our police department, like most small town police
12 departments, are exactly for that, to protect the
13 citizens in which they're there to serve and enforce
14 the laws.

15 There are many areas in the towns, boroughs
16 and even within the townships where the roads are very
17 narrow and smaller country roads. They're not
18 interstates. They're not concrete. They're wooded
19 areas. You don't have the site distance to put a 100
20 or 200-foot marking line down.

21 That's where the school bus travels every day
22 and people in a hurry on their way to back and forth to
23 work travel excessive rates of speed. We don't have
24 the tools available to us to find out exactly how fast
25 they're going.

1 That's the situation we're in from a small
2 town rural standpoint enforcing the traffic laws in the
3 Commonwealth.

4 REPRESENTATIVE LEH: Okay.

5 MR. CARTWRIGHT: That's what I have to say.

6 REPRESENTATIVE LEH: That's fine.

7 CHAIRMAN GEIST: I would like to bring this
8 out. If you follow the history of where we've gone
9 with the Police Chiefs' Association, initially, the
10 thought was because of all the years of trying to get a
11 bill in Pennsylvania and failing, that if we tried with
12 the departments of 50 or more, full-time police
13 departments, and phased in the rest of the way across
14 the state, this bill we have now represents a much more
15 bigger bite of the apple.

16 It's the feeling of many that if we did
17 extend them all the way, it would have the same fate
18 that every bill that has ever tried to go before the
19 General Assembly before, and we have a long history of
20 that.

21 We also have a history in Pennsylvania of
22 municipalities that abused their police privileges,
23 whether it's Crescent Borough or Dauphin Borough or any
24 others. There's a long history of it recognized by the
25 Chiefs' Association.

1 There's a lot of time and effort that's gone
2 into drafting this with the hope -- with the Sunset
3 provision, that a bill can be passed and reviewed and
4 audited to make sure that it does exactly what these
5 fine gentlemen have all testified that it should do.

6 It's only going to take one or two bad
7 experiences statewide before this thing is just going
8 to go to pieces. And that's the philosophy we have.
9 It has nothing to do with anyone being discriminated
10 against based upon anything other than trying to
11 integrate this tool into the tools that have been used.

12 And that is where we're differentiating, and
13 I don't think that anybody should have any opinion at
14 all that a part-time officer should not be trusted.
15 They all have the same training.

16 We understand. It's totally understood by
17 us. The philosophy behind the whole thing is try to
18 get something that will work and something that will be
19 acceptable.

20 That's why Sunset -- the size limitations
21 were put in it; and that's why the training was put
22 into it. It has to have the confidence of the people
23 that are going to allow it to happen. That hasn't
24 happened.

25 MR. CARTWRIGHT: In your own representative

1 district, how many full-time police departments do you
2 have versus part-time?

3 CHAIRMAN GEIST: I represent three police
4 departments. I have a city department with 79 officers
5 and I have a township with one.

6 MR. CARTWRIGHT: As you know, the makeup of
7 over 1,200 police departments and the concern that I
8 have is the small minority of police departments that
9 are there that have abused that. That's why I think
10 that the bill should be changed, that the fine revenue
11 generated from radar doesn't go to the municipality.

12 CHAIRMAN GEIST: That's why we have retraced
13 -- that's why it's 26 miles an hour before you get
14 points. Everything is aimed at one thing; that is,
15 safety in the neighborhoods. You don't want it as
16 revenue generation. You don't want it as a tool that's
17 misused.

18 I think that Ed, in the chief associations,
19 all the township associations, borough, the Third Class
20 cities -- the list goes on and on and on. There's been
21 more input in this piece of legislation than anything
22 since 1961 and I really, you know -- I don't know.

23 I don't know how to get something like this
24 passed in the General Assembly but it's never been
25 done. I have to tell you something. He has done a

1 fantastic job in trying to get it done -- Dennis Leh.

2 I have suffered the slinging in two of the
3 part-time police officers up home. I said, kill the
4 damn thing, it's not worth taking that over. If it
5 wasn't for Ed Connor talking me out of my temperament,
6 it might have happened. There's a responsibility that
7 goes with it. There's a huge responsibility. That
8 responsibility is with you folks that have the badge.

9 That responsibility is you prove to the
10 General Assembly it has to be that we sunset this thing
11 that it works. And whether it's Katherine or Keith or
12 myself or Dennis, and Dennis is going to make this
13 thing work whether it does or doesn't work. We want
14 that. We want the same thing that you want.

15 MR. CARTWRIGHT: Well, as you --

16 CHAIRMAN GEIST: If we put this in the hands
17 of that guy in Dauphin County, Dauphin Borough, it will
18 kill it for everybody that has something they want good
19 because there are those people who misuse it.

20 And that's why it should be going to the
21 referendum for local input, and that's why it should be
22 done and done responsibly and phased into the whole
23 state. That's the whole philosophy behind it.

24 MR. CARTWRIGHT: I don't see in reading the
25 act where it's phased in. What I see --

1 CHAIRMAN GEIST: That's the whole Sunset
2 provision.

3 MR. CARTWRIGHT: You mentioned that
4 specifically has to do with the safety of the motoring
5 public in the Commonwealth of Pennsylvania. Well, that
6 may be well with the larger municipalities that are
7 able to. Obviously, there's no municipal government
8 official that says, elected official, that says, let's
9 have a police department and it's a popular thing
10 because obviously law enforcement doesn't sometimes fit
11 real well with elected officials.

12 They look at you, you, being the police
13 department, cost us a lot of money. Sometimes they're
14 not able to balance out what the good of the police
15 department does versus what the bottom line is going to
16 do in the decrease in the crime in the neighborhoods,
17 the safety of the people within the Commonwealth of
18 Pennsylvania.

19 So what we're saying is don't speed through a
20 municipality that's a full-time police department.
21 They're going to protect their citizens and the
22 roadways in their area with radar, and in other rural
23 areas and other small towns and townships that do what
24 they can afford.

25 Our borough has spent better than a third of

1 their biannual operating budget to have a police
2 department. We're not there because the borough
3 council feels this would be a good idea, let's waste 80
4 grand of the taxpayers' money.

5 We're there because everyone has within their
6 own individual municipality a need for some sort of
7 police protection. Obviously, it's up to our elected
8 officials.

9 CHAIRMAN GEIST: I'm trying to explain the
10 philosophy and the difficulty of getting this thing
11 passed in Pennsylvania. And Representative Steil,
12 bless his heart, a very, very good friend of mine, he
13 tried and he tried and he still has the arrow sticking
14 in him.

15 REPRESENTATIVE STEIL: I got 34 bullets.

16 CHAIRMAN GEIST: It takes 103. Now, the
17 philosophy once again, how do you get 102 votes? If
18 you take a look at the population in Pennsylvania where
19 the representatives come from, you start building that,
20 then you would really start understanding how this
21 thing has to fall into place.

22 There's been a lot of awfully great people
23 that have worked on it -- very bright, very savvy --
24 Bob Muston, a great guy that Katherine has put in his
25 place. He has worked on this for 35 years. I've been

1 at it for 23 years.

2 MR. CARTWRIGHT: I have one question for you.
3 Have you done a survey to determine how many police
4 departments over the 1,200 in Pennsylvania are going to
5 be using radar and how many of them will not?

6 CHAIRMAN GEIST: No, we have not.

7 MR. CARTWRIGHT: Even municipal police
8 training cannot supply you with that information. It
9 seems to be one issue in our public, what are they
10 going to do with the fine money? What are the
11 municipalities, the Dauphins and other municipalities
12 that you had mentioned that I'm not familiar with?

13 CHAIRMAN GEIST: Everything you say is
14 accurate but these people are hurting you. They have
15 hurt you badly. We have a township just south of
16 Harrisburg that nails people coming off the Turnpike.
17 The Chiefs' Association is not talking to them.

18 We have to do this and do it right. I tell
19 you sometimes -- Keith will tell you -- I'm at a loss
20 on how to do it. I've got long records of passing
21 legislation, and also had two bills vetoed by the
22 Governor.

23 MR. CARTWRIGHT: I would ask before you
24 decide to present this further, you have a survey
25 conducted to find out what those numbers are of

1 full-time police departments versus what you consider
2 to be part-time -- part-time police agencies.

3 The reason why we have part-time officers
4 working in a lot of communities across the state and
5 not in large metropolitan areas, when you come down
6 here, which is suburban Philadelphia, a lot of areas, I
7 don't know what area you're from, a lot of --

8 CHAIRMAN GEIST: The fine city of Altoona.

9 MR. CARTWRIGHT: There's a lot of ground
10 around Altoona that's wooded area, just small
11 communities. And what I'm asking is that you folks
12 consider taking a look at that number in itself and
13 also let that be your guide.

14 There should also be some sort of add-on to
15 this bill to see that those safeguards are there, that
16 even the larger municipalities, once they have radar in
17 hand for the full-time police department, I would love
18 to have a full-time police department, but the
19 population base and the community which we serve cannot
20 afford that.

21 I would not want to see my municipality have
22 a full-time police department because of the fact that
23 we have a radar gun in our hand. That's not what any
24 police officer's mission is in law enforcement which is
25 just to go out every day, as I said, pay the mortgage

1 payment on the town hall. That's not what being an
2 effective law enforcement agency is all about.

3 There's more components that are involved in
4 it. I would ask in closing that you take a look at
5 those numbers to see exactly what the effect is on
6 full-time police departments.

7 My four part-time officers work less than 32
8 hours a week with the magic number being 32, so our
9 municipality doesn't have to pay benefits because
10 realistically we can't afford that. The taxpayer
11 cannot afford that. And we do the best we can.

12 We can either opt to do that or we cannot
13 have a police department and rely on the State Police,
14 which is located some 25 miles -- 24 miles away and
15 come all the way into the northern end of the county to
16 come to my municipality. That's why my municipality
17 has its own police department. But I thank you all
18 very much for giving me the opportunity to come here
19 today.

20 REPRESENTATIVE LEH: I would like to
21 piggyback what the Chairman said. As a prime sponsor
22 of this bill, the language in this bill does not attack
23 the integrity of your part-time people; however, you
24 have to understand as the Chairman said, it was crafted
25 in order to get a bill passed. This bill, as

1 written -- personally, I don't think this bill can get
2 the necessary 102 votes to pass the House.

3 Everything we add to this bill, we lose votes
4 such as things like that. So you have to understand
5 where we're coming from. We're trying to give
6 Pennsylvania a radar bill, Lidar bill that will get the
7 necessary 102 plus votes. I guarantee if we put
8 part-time police forces in there, it's not going.

9 MR. CARTWRIGHT: Actually, we had our
10 conversation on the phone. It was your comments to the
11 Allentown Morning Call that made it a point in Bob
12 Cartwright's day, eventhough I was told by other
13 chiefs, as I said, 7 out of 11 will not be able to use
14 it. It was comments I read within the news media. We
15 know how they are.

16 CHAIRMAN GEIST: Never misquoted me.

17 MR. CARTWRIGHT: It brought me down here
18 today. I would just ask that you folks consider taking
19 a look at those numbers.

20 CHAIRMAN GEIST: I can appreciate where
21 you're coming from.

22 MR. CARTWRIGHT: I would like to welcome you
23 up to the northern end of the state and sit on some of
24 my streets, some of my roads and sit there at 8:00 in
25 the morning or 10 of 8 when the school bus comes. You

1 know, right behind a school bus is a car traveling 55,
2 60 miles an hour. Shouldn't local police, you know,
3 have those tools available?

4 REPRESENTATIVE LEH: I'm not the person you
5 haven't convinced. Like I said, the bottom line is --

6 CHAIRMAN GEIST: Dave is convinced 34.

7 REPRESENTATIVE MCCALL: I guess, you know, I
8 have been really split on this issue even part-time
9 because I have part-time police departments. They're
10 very concerned about it. I'll give you an -- I don't
11 have to give anybody a civics lesson 102 -- 26 votes in
12 the Senate and a signature by the Governor.

13 I have told my district on this issue -- I
14 have listened to my constituents on this issue. The
15 last time I polled my district, 80 percent of the
16 people were against me giving radar to the local police
17 departments, 80 percent. That's a significant number.
18 If it was 50/50, maybe I would think twice.

19 Eighty percent is against it now. And that
20 survey is probably seven years old, and it probably
21 warrants another check because of all the press that
22 has occurred on the issue today.

23 But just recently, less than two months, my
24 local newspaper -- the readers -- the readers turned
25 and they polled 10 people just on the street. All 10

1 people were against the use of radar by the local
2 police.

3 So there's also, you know, a public relations
4 event that has to take place by the chief of police, by
5 the police department by saying to the legislation, we
6 may want the legislation, you may want it but the
7 people in the districts don't. Represented by 34 votes
8 the last time, we tried to pass the radar rule in the
9 House of Representatives -- they're voting no because
10 they're telling them no.

11 It may be the same person complaining about
12 going down the street speeding. It's the same people
13 writing to my office, when this issue is up, not to
14 vote it. That's the other political reality. We do
15 deal in realities.

16 When it comes to put up a vote on the thing,
17 the political reality, there is not a lot of support
18 among our constituents to pass this legislation.
19 That's part of the battle that has to be fought as
20 well. I'm not putting together a bill that is going to
21 put 102 votes in. It's also public support. I don't
22 think that's the public support.

23 CHAIRMAN GEIST: Thank you very much.

24 REPRESENTATIVE LEH: Chair now calls Bob
25 Gratz, Director, Sales of Stalker radar & Laser. Mr.

1 Gratz, welcome.

2 MR. GRATZ: Thank you very much. I
3 appreciate being here and your inviting Applied
4 Concepts. I had the benefit of listening to
5 everybody's testimony. I think there are two issues
6 here. One is drafting a bill that will pass with the
7 political issues that are involved; and one is using
8 technology that is used throughout the nation.

9 I would like to talk about police radar and
10 the science of police radar. We also manufacture a
11 Lidar device. The difference between the two radars is
12 radio detection and ranging; and Lidar is light
13 detection and ranging.

14 Both of them are approved by the National
15 Highway Traffic Committee and the International Police
16 Chiefs' Association, are used throughout the nation, 49
17 states. As far as local departments are concerned,
18 that being municipalities, sheriffs, as well as highway
19 patrols and state police organizations, 50 states
20 including your state police.

21 The technology of police radar is a science.
22 The science of Doppler, Doppler radar, that's exactly
23 how it works.

24 Goose Doppler, 1842, an Austrian
25 mathematician and physicist conceived the principle.

1 The principle is as it comes towards an energy in the
2 case of police radar, the energy is a radio frequency
3 energy; and as it enters the influence of that energy,
4 it causes compression to occur coming towards. It
5 causes stretch to occur going away.

6 The Doppler principle in order to be a
7 principle of physics and a law of physics has to occur
8 in every day nature. Everybody knows how gravity would
9 occur if something was to fall and land on the ground.
10 As far as Doppler is concerned, it occurs in every day
11 nature.

12 As a car would pass an individual standing on
13 the street sounding its horn, you would hear
14 compression coming towards and 90 degrees of that
15 compression as that car went by sounding its horn. You
16 would hear the stretch going away. That's the Doppler
17 occurring in the nature. A railroad train passing by
18 one's person, you can hear the shift occurring,
19 compression coming towards and stretch going away.

20 In 1976, the National Bureau of Standards in
21 Gaithersburg, Maryland embarked on the study of police
22 radar to find if it was scientifically reliable. That
23 agency has currently been renamed as the National
24 Institute of Technology.

25 After eight years of study and approximately

1 seven volumes that were produced from that eight years
2 of study, it was concluded that Doppler radar is
3 scientific reliable and accurate. Prior to that time,
4 however, there have been many challenges against police
5 radar. An advent of police radar was the second world
6 war, and the first radar was used in 1948.

7 In 1955, the Supreme Court of the state of
8 New Jersey heard testimony in the case known as
9 Dantonio, and my offering of testimony -- I've provided
10 case law with the cite numbers if you care to look at
11 it or have some of your legal scholars take a look at
12 it. They found that the stationary Doppler radar was
13 scientifically reliable when used by a skilled and
14 knowledgeable operator.

15 Now, I've heard testimony here today in
16 regards to trees, parked cars, windows, buildings, and
17 also some devices such as air conditioning units on
18 buildings. And, in fact, we do have an air
19 conditioning unit within a car, heating unit. We do
20 have communications, police communications, radio
21 frequencies within a car. But the testimony that I've
22 heard today is not concurrent with the science of
23 Doppler radar.

24 Doppler radar causes an effect to occur which
25 is a positive effect of compression coming towards or

1 stretch going away.

2 So if a tree and/or a parked vehicle,
3 buildings and what have you are obviously not moving,
4 you cannot get a Doppler shift off of something that's
5 not moving, either coming towards or going away. As
6 far as windows are concerned, you can get a reflection
7 off of a window and off of a billboard, but it's the
8 proper use of the equipment.

9 We're not saying that Doppler radar or Lidar
10 or the Intoxilyzer 5000, an alcohol breath test device
11 that the State of Pennsylvania has adopted, or Vascar
12 or ESP speed check tracker or any of those devices,
13 we're not saying they're perfect. In fact, we're the
14 first ones to admit they're not perfect.

15 However, case law has indicated that the
16 officer must have specific training in order to utilize
17 these devices and see any of the various different
18 factors that could occur with the police radar such as
19 radio frequency interference.

20 The National Bureau of Standards and the
21 National Highway Traffic Administration is adopting
22 what is known as the qualified product list of police
23 radar products that are used throughout the nation and
24 throughout the world; in fact, have determined that
25 these are accurate devices.

1 And case law indicates that in the skilled
2 hands of a knowledgeable operator that they are tools
3 that can be used for the enforcement of the speed laws.
4 Speed laws today bring us not only from the speeding,
5 but we've also got drivers that are now taking
6 advantage of other citizens through their arrogance and
7 their will to break the law.

8 I think that the issues here before the State
9 of Pennsylvania are issues that are rightfully
10 acknowledged as far as police departments using them,
11 whether it would be a part-time officer or whether it
12 be a full-time officer. I believe throughout the
13 nation, that if an officer is properly trained, whether
14 he be part-time or full-time, that this person would be
15 able to -- just as highway patrolmen or state police in
16 the State of Pennsylvania -- would be able to utilize
17 this device.

18 As far as Lidar is concerned, it is a more
19 target specific device. At 1,000 feet, a Lidar is 3
20 feet wide. At 2,000 feet, that is double. It becomes
21 6 feet wide. At 3,000 feet -- this is increments -- it
22 becomes a total of nine feet wide. So at 5,000 feet,
23 you would have a beam pattern that would be equal to 15
24 feet wide.

25 Obviously, this is probably exceeding one

1 lane of a road surface. If you have a dual road
2 surface that referred ranges using Lidar, this device
3 is not as target specific as you might think.

4 Also, the proper use of Lidar, if an officer
5 is not trained with Lidar, if he moves the device, then
6 this is called panning; and, obviously, he can cause an
7 inaccurate number to occur. If he then moves with a
8 Lidar device from his sighting of the front of the car,
9 the license plate area comes up into the windshield.

10 There's a difference of about 6 to 8 feet,
11 depending upon the vehicle, that's going to account for
12 as many as four or five miles per hour difference.
13 It's all within the training of this device that the
14 officer is using.

15 Case law accounts that the officer must
16 observe the radar or the Lidar must confirm if the
17 officer's observations supported the radar or Lidar
18 information, then this is a valid reading. As far as
19 testing has been concerned, testing is done at the
20 beginning of the shift and at the end of the shift to
21 prove the device in question was accurate at that time.

22 As far as tuning forks are concerned with
23 radar, radar will read a tuning fork. It is a
24 mechanical device. It is not an electronic device. It
25 is true that it will vibrate at a certain frequency,

1 but tuning forks outside of the distance of
2 approximately 6 or 8 feet away from any radar may not
3 be right. At that point, the radar actually reads the
4 Doppler shift that's compressing, coming towards or
5 stretch going away.

6 The officer must be trained in utilizing the
7 device. It's not a perfect device. If there is some
8 interference that is encountered, it has to agree with
9 the officer's observations. If it does not, then the
10 officer should completely disregard it.

11 There are several idiosyncracies that occur
12 with radar. One of them is cosign angle error. Cosign
13 angle error that was previously discussed also applies
14 with Lidar. It applies with Lidar in calculations.
15 The officer would read a target coming towards him with
16 either radar or Lidar or going away from him. And the
17 rule is to point directly off the target. It has to be
18 off the road. The devices have a beam pattern that
19 accounts for a target coming towards or going away in
20 line with the device.

21 However, if he is too far off of the road
22 surface -- for instance, we had a vehicle coming at us
23 at 60 miles per hour or going away from us at 60 miles
24 per hour and it was 0 degrees, we would read 60 miles
25 per hour. If, in fact, the officer was 10 degrees off

1 of on either direction, right or left of that target,
2 we would read that target, mathematically targeted for
3 every radar device clear back to 1948 and when it is
4 coming off the assembly line today, we would read that
5 device at 59 miles per hour. That's including Lidar.
6 If it was 20 degrees, we would read that target at 56
7 miles per hour.

8 So as you will note, in either direction it
9 then becomes a benefit of the target. And if the
10 officer was off of the road surface or 30 or 40
11 degrees, we would then see a tremendous difference in
12 benefit to the driver. If the target was coming at 90
13 degrees, that would be straight across the Lidar or the
14 radar device. There would be no reading because there
15 wouldn't be any reflection either coming towards or
16 going away.

17 Across the river, as I look at the state of
18 New Jersey, I am aware there are over 400 police
19 departments. It's not as large as the State of
20 Pennsylvania obviously; however, they now have between
21 2,300 and 5,000 radars.

22 As far as radar use is concerned in cities
23 like Chicago, Los Angeles, whether it would be St.
24 Louis or Dallas, radar and Lidar are used within the
25 intercities. They're used from block to block. The

1 New York City Highway Patrol utilizes radar.

2 Obviously, they're trained to use it and the
3 radar will read the target that is out front by itself
4 nearest the radar, but Lidar will read a target that is
5 a target discriminant. That would be where you place
6 the target -- radar on the target. That's what the
7 Lidar will read.

8 One of our customers, which I provided a
9 customer list, is the California Highway Patrol.
10 California Highway Patrol has over -- in just patrol --
11 3,000 of our radars. They utilize radar as in the
12 moving and stationary mode, whereas in Pennsylvania
13 they only use it or use it at the present time in the
14 stationary mode.

15 Virtually, every state in the nation uses
16 radar, either stationary or moving. And stationary
17 there is no technology available. It's available from
18 our company. We've patented that the radar in the
19 stationary mode now has the capability to select the
20 side of the street that it is looking at, whether it is
21 receiving or whether it is coming towards.

22 This then unclouds the water as far as the
23 traffic pattern is concerned as what is going away and
24 what's coming towards. So we have that capability. In
25 years past, we went from vacuum tube technology with

1 the early on radars to transistors, and from a
2 transistor to microprocessors and in these radars,
3 these radars are analog signal processing radars. This
4 technology is probably about 30 years old at this time.

5 The newer technology that is now on-line that
6 you've heard about with cell phones, police
7 communications, business communications, TV sets, any
8 kind of entertainment device such as VCR's, is digital
9 signal processing. Digital signal processing has a
10 screen of information that is plus and minus. That is
11 determined by the accounting circuit as to the Doppler
12 signal which is bringing forth from the instrument.

13 And in the years past, there has been radio
14 frequency interference as far as police radars are
15 concerned, high tension wires. There have been
16 communication towers and what have you that have caused
17 radars to have erroneous numbers. The police officers
18 involved and all sectors have been trained to determine
19 as to what they were looking at and what they were
20 listening to in regards to those types of abnormalities
21 that have come up on the radio.

22 Digital signal processing has virtually taken
23 the radio frequency interference that has occurred
24 within a police radar and it's almost impervious.
25 We'll never say never. We've not seen any erroneous

1 numbers thrown out because of any radio frequency.
2 That's our technology.

3 Our competitors, they do it in a different
4 way. They're also digital signal processing. They do
5 not do it in the reception of the instrument, only for
6 counting purposes.

7 But still, the National Highway Traffic
8 Safety Administration and International Chiefs' of
9 Police Association has cause for radar devices to have
10 an RFI detector and a low voltage detector. When they
11 sense a radio frequency interference within the vehicle
12 of the car that would affect the radar, the radar shuts
13 down so it becomes a non-issue.

14 I would just like to address that because it
15 hasn't been brought up, the safety issue, as far as the
16 microwave radiation is concerned because some people --

17 CHAIRMAN GEIST: The Police Chiefs'
18 Association opposed these a few years ago because of
19 that.

20 MR. GRATZ: There have been cases brought
21 against the radar technology industry maybe back 10
22 years ago for various different reasons, testicle
23 cancer, melanomas, leukemias, and other types of
24 cancers, as many as 20 cases. These cases were heard
25 in civil courts in this nation. They were jury trials.

1 There were experts on both sides. And in
2 each case, it was determined that police radar did not
3 cause, could not cause cancer, and the reason for that
4 is because we are one fifteen thousandth of one watt of
5 micro-radiation.

6 If we were to compare ourselves to, let's
7 say, a transmitter/receiver that a parent may have in
8 the crib with their child while they're listening to
9 them or a CB radio or a businessman's radio or cellular
10 telephones, we are much lower than all of those,
11 including police communications.

12 That's been determined also by the Federal
13 Food and Drug Administration, Radiological Bureau,
14 that's been determined by OSHA and the National Bureau
15 of Standards that the police radio does not cause
16 cancer.

17 I would be willing to answer any questions
18 you might have.

19 CHAIRMAN GEIST: I have a bunch of questions.
20 I have read so much about this I feel like I'm back at
21 school. Could you -- would you recommend one or the
22 other?

23 MR. GRATZ: We manufacture both.

24 CHAIRMAN GEIST: That's what I'm saying.

25 MR. GRATZ: Our competitors do as well.

1 CHAIRMAN GEIST: Lidar from testimony that
2 we've heard, we've had people tell us if they were
3 buying these systems over again, they would never buy
4 radar.

5 MR. GRATZ: Both of them are speed detection
6 tools --

7 CHAIRMAN GEIST: That's correct.

8 MR. GRATZ: -- as well as the time distance
9 devices that you currently use. A Lidar device is a
10 sighting device. There is a target radical involved.
11 The Lidar devices early on did not have a heads-up
12 display. They do have a heads-up display that an
13 officer actually has to hold that up to his eye and he
14 has to sight this instrument.

15 CHAIRMAN GEIST: Our committee has gone out
16 with the State Police to view these things.

17 MR. GRATZ: Right. Therein lies one
18 difference between radar and Lidar. I've explained the
19 beam pattern or the width of the Lidar beam being 3, 6,
20 9, 12 and 1,000-foot increments.

21 Incidentally, it is recommended by -- for
22 instance, there is case law in the State of New Jersey
23 at the Supreme Court that says that the Lidar device
24 will be accepted at a thousand feet or below without
25 expert testimony.

1 At a thousand feet and above, they require
2 expert testimony given on the device due to the fact
3 that the beam pattern becomes wider and your sight
4 becomes further away. You have the truck situation and
5 the car situation existing just like you do with radar
6 at further distances.

7 The radar device is a device that is either
8 hand held and can be used inside the car or outside the
9 car. It can be used with a battery pack or plugged
10 into a battery pack or cigarette lighter. It is not
11 like the current devices that you use that you have to
12 set up hoses or you need a Vascar to measure a given
13 track.

14 You have an average rate of speed between
15 those. Both these devices will give you a tracking
16 history in real time. The officer will see the
17 offending vehicle doing 55, 56, 57, 49, 48, 46, so he
18 has to have a tracking instrument. He has to also
19 agree with what he sees.

20 Now, officers do have the capability to see a
21 high rate of speed that was testified to earlier today.
22 Yes, there is the car/truck situation, but the truck,
23 obviously, when I teach radar, I teach that the truck
24 is 17 more times than the descending surface, than the
25 average size of an American car, whether it would be a

1 Corvette, or 30 yards away from the truck, surely
2 you're looking at the truck.

3 Every case law in the nation, including the
4 ones I've indicated in the cites, the officer must
5 observe the radar, must confirm -- or the Lidar -- must
6 confirm if the officer's observations support the radar
7 evidence. In the case of radar, if the offending
8 vehicle was out front by itself nearest the radar, then
9 this is a valid reading.

10 With the Lidar device, the same testimony
11 comes forth; however, he is citing one specific
12 vehicle. So the difference between the two is one is
13 an interactive device with the officer that he is
14 sighting one vehicle at a time. He has to have it up
15 to his eye.

16 The radar device, on the other hand, has a
17 wider beam. And I've heard testimony that it is at 100
18 feet. Actually, it's about 200 feet wide. It goes out
19 to infinity.

20 The police officer or yourself might have
21 talked into a device or CB radio or police communicator
22 and said 10-4. If you did that 17 years ago, that
23 signal is still traveling. That's infinity; however,
24 the radar will read the vehicle that is sending back
25 the largest amount of signal that equates to your

1 illustration earlier, sir.

2 And in the case of the truck, law enforcement
3 is trained in that regard. They utilize police radar
4 on the New Jersey Turnpike, the Mass Turnpike, on I-80,
5 whenever it goes across the entire nation, use it with
6 truck traffic, but the rule of the radar device is out
7 front by itself, nearest the radar.

8 Yes, you could have trucks and larger
9 vehicles in the vicinity, but those are taken into
10 account by the training of the officer.

11 CHAIRMAN GEIST: Let me ask one question.
12 How about jamming devices --

13 MR. GRATZ: Jamming devices.

14 CHAIRMAN GEIST: -- that are sold.

15 MR. GRATZ: Yes, jamming devices actually do
16 work.

17 CHAIRMAN GEIST: If I have a truck that's
18 coming up the road with this jamming device turned on,
19 I'm running 65 in my car, he has a jamming device
20 turned on and I get written up, how do I go to court to
21 protect myself?

22 MR. GRATZ: First of all, actually they do
23 work. They have demonstrated with highway patrols and
24 the state police organizations that they only work very
25 close to a radar, and a jamming device is generally

1 sending a signal that is lower than the speed limit.

2 For instance, the person would dial a 25 or
3 35 and it might be going 70 miles per hour. These are
4 totally illegal as far as the Federal communication is
5 concerned as well -- because they do not license any
6 particular device, whether it would be a jamming device
7 made by a civilian entity or even police, may not flood
8 the entire state with a frequency from their
9 transmitter towers because that is jamming the
10 frequency. They are illegal.

11 CHAIRMAN GEIST: How effective are the
12 absorbing bras?

13 MR. GRATZ: There are devices -- that's one
14 of the things that you would find with a Lidar device,
15 that there are license plate clear covers that will
16 absorb and not reflect the Lidar signal back at further
17 distances.

18 Okay. But there are other places, the grill
19 of the car and across the whole portion of the car,
20 that that Lidar signal hits because it's 3 feet wide at
21 a thousand feet. They are effective to a certain
22 extent, but the radar just does not read the front of
23 the car. It reads the entirety of the car. There is a
24 reflection.

25 CHAIRMAN GEIST: Frontal sections, it reads

1 computations based upon the curve and frontal area?

2 MR. GRATZ: It will read the entire picture.
3 It sees it coming towards it, it sees a mask towards
4 it, it gets a reflection off of basically everything.
5 If you were talking about a Lidar device, we train
6 people to look at the lower part of the car and not the
7 glass, look for the reflector or the reflectability of
8 the license plate or the front end of the car. The
9 headlights are a perfect example of sighting with a
10 Lidar.

11 There is a reflection basically off of
12 Corvettes and other types of vehicles that are low and
13 sleek. In fact, Applied Concepts is the largest
14 manufacture of sports radar. We read every major
15 league baseball team including the Phillies.

16 CHAIRMAN GEIST: They throw the ball faster.

17 MR. GRATZ: We read tennis balls. We read a
18 football, a soccer ball. In other words, radar will
19 read anything that's got mass. So --

20 CHAIRMAN GEIST: We're experts on technology
21 on this committee.

22 MR. GRATZ: I would just point out on behalf
23 of the departments and the State of Pennsylvania that
24 radar has been with us since 1948. It's used in every
25 other state in the nation and the stationary form, as

1 well as moving, stationary Lidar is used across the
2 country.

3 There is case law that radar has been
4 challenged. It's been challenged in Florida and that
5 challenge is back in 1979. There are many Superior
6 Court, Appellant Court and Supreme Court decisions.
7 The National Institute of Technology has indicated that
8 radar is scientifically reliable and accurate. We use
9 it for weather forecasting and national defense as
10 well.

11 CHAIRMAN GEIST: Any questions?

12 REPRESENTATIVE STEIL: One other quick
13 question. I asked the question earlier about training.
14 In your experience in other states, is there any
15 difference in the training that you suggest or the --
16 you promote for police departments that are operating
17 primarily in rural areas opposed to those operating in
18 urban areas?

19 MR. GRATZ: The training is a tremendous job
20 to accomplish, particularly here in this case, the
21 State of Pennsylvania. If you adopt the radar, you
22 could have a significant amount of training to do it
23 and it would take a long period of time. The training
24 expertise is available from several areas, one being
25 the Institute of Police Training and Technology in

1 Jacksonville, Florida.

2 They're recognized as the leader in training.
3 They train highway patrols and state police
4 organizations. They train cities and towns across this
5 nation.

6 They obviously are training in other police
7 tactics as well, including fraud and fingerprinting and
8 investigations and those types of things. There's also
9 Northwestern University and there's also several other
10 areas within the nation that is gaining the strength.

11 I believe the training should be conducted by
12 academies and that training should be then taught to
13 officers, whether it would be at an instructor level,
14 they may be able to go back to the city or instruct
15 themselves. You know, I could speak from experience of
16 all 50 states and, for instance, right across here, the
17 State of New Jersey, the police training academies
18 train on police radar.

19 The Attorney General has an active program
20 that they have in-service training and they also
21 perceive it that way at an instructor level refresher
22 classes. They follow the initial training.

23 So training is of utmost importance because
24 this device is only a tool, if it's not used properly,
25 just like any other tool, that includes the speed

1 timing devices that you utilize now.

2 That is the key to the use of this device and
3 the good program that you will enact, and that the
4 justice of speed enforcement would be even handier with
5 every citizen with the State of Pennsylvania.

6 CHAIRMAN GEIST: Thank you. I want to close
7 the hearing before we go out to the demonstration and
8 thank Representative Steil, Representative Leh who has
9 been chairing this effort, members of the Committee,
10 especially the wonderful testimony we have gotten
11 today.

12 This is the third hearing that we've had on
13 this. I don't -- I can't think of any bills I've ever
14 been involved with in my 23 years in the House that
15 we've had three hearings on and we were going -- we
16 will go on to collect more information.

17 I think it's very clear there's certain
18 places -- even in the revised bill -- there's some
19 stuff that needs to be done and looked into. And we
20 will get about the business end of somehow sorting
21 through all of this stuff. And we look at any
22 suggestions that anybody has here.

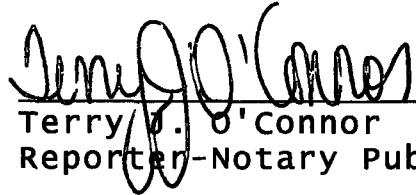
23 Make sure they send us a letter, Eric and our
24 staff, and let us know your input. I thank everybody
25 for coming today.

1 we're adjourned to the demonstration. Thank
2 you.

3 (The hearing was concluded at 12:53 p.m.)
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.


Terry J. O'Connor
Reporter-Notary Public

NOTARIAL SEAL
TERRY J. O'CONNOR, Notary Public
Harrisburg, Dauphin County
My Commission Expires March 15, 2004