

**TESTIMONY OF MARK KOCH
FRATERNAL ORDER OF POLICE
PENNSYLVANAIN STATE LODGE
BEFORE THE SENATE TRANSPORATION COMMITTEE
AUGUST 17, 2010**

Good afternoon. My name is Mark Koch. I am proud to serve as Immediate Past President and current Director of Legislative Affairs of the Fraternal Order of Police Pennsylvania State Lodge, which represents over 40,000 active and retired law enforcement professionals throughout the Commonwealth of Pennsylvania.

On behalf of the FOP's 40,000 Police Officers, I would like to extend my thanks to Committee Chairman Rafferty, Minority Chairman Stout, and the other esteemed members of the Transportation Committee for your support and work on matters of concern to Pennsylvania's police officers.

I appear before the Committee this afternoon to state the FOP Pennsylvania State Lodge's position on the use of radar and related speed timing equipment and techniques used by local law enforcement professionals. The FOP supports the use of radar by local police subject to appropriate standards, as the FOP regularly endorses the utilization of new techniques to help police officers perform our important work more effectively and more efficiently. This includes the application of advances in the use speed control devices such as those covered by Senate Bill 554. It is the FOP's position that Senate Bill 554 provides a good start towards achieving this goal, and because of this we support SB 554 subject to the limited exceptions that I will detail in this testimony.

First, the FOP supports the use of radar by full-time police officers employed by full-service police departments. We firmly believe that full-time policing by full-time, trained police officers within full-service, 24/7 police departments is the best method of delivering law enforcement services to Pennsylvania's citizens. SB 554 acknowledges this fact by limiting the use of radar to full -time police in full-service departments. Because of this, SB 554 is preferable to other radar bills that could be interpreted as supporting law enforcement efforts that rely substantially upon part-time police officers.

There are two areas of concern within this concept, however, which may serve to water down the "full-time police within full-service departments" applicability that we fully support.

The first issue is the bill's applicability to only certain classes of county (1, 2, 2A, & 3). It is our position that all counties should be included within the bill's coverage, subject to the same "full-time police" and "full-service police department" requirements listed above.

The second issue is the definition of the “full-time police officer” at Page 4, Lines 14-20 of SB 554. This definition would include regular part-time police under the Police Tenure Act as “full-time” police eligible to use radar, which standard is inconsistent with the concept of limiting radar use to only full-time police. Another concern in that paragraph is the alternate use of a “200-day” standard for determining full-time police status, given that police officers work shifts of varying length. For some police officers, a “day” is an 8-hour shift, but for many officers it is a 12-hour shift. We suggest that the annual requirement for full-time status be articulated as hours, not days, in order to alleviate confusion over eligibility to use radar. The annual requirement should be 1600 hours worked in the previous year or a set window of prior years. This would ensure the use of radar by qualified, full-time police officers.

Second, the FOP supports SB 554’s direction to use radar-related revenue in order to fund traffic-safety initiatives undertaken by the Pennsylvania State Police via the imposition of caps on local revenue. We have some concern, however, that the local revenue caps may be too high to result in any meaningful state wide “traffic safety” funding. In order to address this, we suggest that the caps be indexed to police department budgets as opposed to the “total municipal budget.”

Aside from those two concerns over scope of coverage and revenue distribution, the FOP supports the local use of radar and lidar, and believes that SB 554 provides a nearly-acceptable vehicle to provide for such use. With minor amendments, this bill will provide for a common sense use of technology in order to improve police services and make citizens safer.

In closing, let me again thank Chairman Rafferty, Minority Chairman Stout, and the Committee for your continued support of the FOP and the Pennsylvania Police Officers it represents. The FOP looks forward to continuing to work with the Committee on this and other issues in order to provide safer roads and therefore safer citizens throughout the Commonwealth. I would be happy to answer any questions on my testimony. Thank you.