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Pennsylvania Sheriffs' Association

2426 North Second Street
Harrisburg, Pennsylvania 17110

March 11, 2004

Ms. Syndi L. Guido, Policy Director
Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, PA 17110

Re: Proposed Rule Making - 37 Pa. Code Chapter 42 - Use of Unmarked Vehicles

Dear Ms. Guido:

I am writing as the Solicitor to the Pennsylvania Sheriffs' Association regarding the proposed rule making published in the February 14, 2004, edition of the "Pennsylvania Bulletin" relating to the use of unmarked vehicles. This rule making proposes to promulgate regulations for the use of unmarked vehicles by "police officers." However, the proposed rule making contains inconsistencies with respect to the reference to "police officers" and "officers" and "law enforcement." Section 42.1 states that the purpose of the rule making is to govern the "use of unmarked vehicles." This section further states "it is necessary to establish uniformity in the use of unmarked vehicles for the purpose of law enforcement."

The definition section, however, does not reference "law enforcement vehicles", but rather, refers to marked "police vehicles" and unmarked "police vehicles." The definition for marked police vehicle currently states as follows:

"A police vehicle that is equipped with at least one light bar assembly and displays graphics, markings or details identifying the agency or department on a minimum of three sides (front, rear, left or right)."

The definition for unmarked police vehicles is as follows:

"A police vehicle not equipped with a roof-mounted light bar assembly. The vehicle may display graphics, markings or details identifying the agency or department."

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The definition of official uniform speaks to the uniform and attire of the "individual law enforcement agency."

It is our opinion that the reference to marked "police vehicle" and unmarked "police vehicle" should be amended to state marked "law enforcement vehicle" and unmarked "law enforcement vehicle."

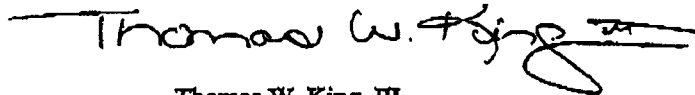
Vehicles other than police vehicles are authorized pursuant to 75 Pa. C.S. § 4571(b) to be equipped with combination red and blue lights. *See also 57 Pa. Code Chapter 173.* Section 42.22 of the rule making refers to this section of the Pennsylvania Code and requires officers to utilize the emergency audible and visual signals when stopping suspected violators. This section of the proposed rule making also refers to unmarked vehicle pursuits.

Unmarked vehicles should not be defined as police vehicles when the regulations will be applied to sheriff's vehicles as well as other emergency vehicles. Accordingly, it is the opinion of the Pennsylvania Sheriffs' Association that the reference to "police vehicle" in the definition of marked police vehicle and unmarked police vehicle should be removed and these definitions amended to state marked law enforcement vehicle or unmarked law enforcement vehicle. In reviewing the rule making, this is the intent of the regulations as the purpose and policy is to provide for uniformity in the use of unmarked vehicles for the purpose of law enforcement. The purpose is to make all law enforcement vehicles uniform not just those used by police.

Should you wish to discuss this matter further, please do not hesitate to contact me.

Thank you for your consideration.

Very truly yours,



Thomas W. King, III
Solicitor — Pennsylvania Sheriffs' Association

TWK:mal/acp:ksb

cc: Pennsylvania Sheriffs' Association Executive Committee Members
Mr. James B. Hazen, Executive Director - Pennsylvania Sheriffs' Association