

## **Title 35 Rewrite**

### **Senate Veterans Affairs and Emergency Preparedness Committee Wednesday, September 2, 2015**

#### **Joe Kovel, President, Pa State Troopers Association**

Chairman Vulakovich, Chairman Costa, and committee members, on behalf of the nearly 4100 men and women who diligently serve this Commonwealth as Pennsylvania State Troopers, I want to thank you for the opportunity to share with you our thoughts on the proposed rewrite of Title 35.

This really is a case of history repeating itself in that this very issue was given vigorous consideration in 2009. In fact attached to my testimony is a letter our association sent to Sen. Baker, prime sponsor of SB 35, identifying the concerns we had at that time in regards to a proposed rewrite of Title 35. As you will see from that letter and a review of SB 35, from our perspective, Sen. Baker has made significant improvements when compared to the provisions that had been incorporated into the 2009 rewrite proposal.

First off, we strongly support any effort to better prepare our Commonwealth agencies and personnel to prevent or respond to emergency situations. However, one of our primary concerns in 2009 was a "command and control" provision that would have enabled the PEMA director to unilaterally take command of all other state agencies personnel and resources during a declared emergency. Our concern then and today is that such supersedes could result in disastrous unintended consequences as other obligations and responsibilities of state agencies could and would be compromised when personnel and resources were shifted to emergency response without knowledge or consideration of other demands and responsibilities upon that agency. We thought then as we do today that Collaboration, Cooperation, and Coordination is a much better approach than Command and Control. We were pleased to see that Sen. Baker and the House draft both note that tactical and operational control of resources of a Commonwealth agency shall remain with that respective agency.

In previous Title 35 drafts or bills, we had a serious concern with a broad definition of "All Hazards Information" and the broad dissemination of that information across agency and governmental jurisdictions. Our fear was that critical and sensitive law enforcement related information could have been unintentionally comprised. In both SB 35 and draft legislation we have reviewed from the House we are pleased to see that the definition of "All Hazards Information" provides an exemption for law enforcement related information. In previous drafts the broad definition would have put us in a position of violating both state and federal laws pertaining to the confidentiality of certain law enforcement information.

Our concerns are further alleviated by the definition of "Law enforcement sensitive information". Also included in SB 35 and the House draft.

Both SB35 and the House draft authorize the Governor to request the assistance of federal law enforcement officers for enforcing the laws of the Commonwealth. Our early concerns with this provision has been somewhat mitigated by the inclusion of a definition of a federal law enforcement

officer and the fact they would be under the operational control of the Pennsylvania State Police, unless otherwise directed by the Governor. However, I would be remiss if I did not point out that federal law enforcement officers are not trained in the Pennsylvania Crimes Code nor our arrest procedures and protocols.

Another critical concern that we had for our members pertained to quarantine enforcement. Both SB35 and the House draft have responded to our concerns by inserting a clause that would apply such enforcement responsibility upon our members only if they have been properly equipped and trained to do so. Early versions of a Title 35 rewrite did not have such protective language, but still required our members to enforce and take into custody quarantined subjects, whether or not we had the appropriate safety gear or training in the handling of subjects exposed to a dangerous substance or disease.

One question that has come to mind; When our members are assigned to an emergency response, whether in state or in a mutual aid situation in another state, as recently occurred in Baltimore, should we have language that clearly extends the benefits of workers compensation and Heart and Lung benefits to those members?

Finally, the goal of an effective statewide communications system, and interoperability among state and local agencies are very important to the safety of our citizens, my members, and enhancing law enforcement activities across the state. As you know the current statewide communication system has been plagued by frequent interruptions in coverage and lacks easy interoperability. However, it is my hope that the communications language in the House draft is not an attempted end around to position county PSAP centers to begin dispatching troopers. This issue was hotly contested in a House committee and fortunately enough members understand the impracticality of that when it comes to dispatching of troopers. As pointed out at that time our barracks coverage areas are not aligned with county borders, often crossing one or more county lines, making county PSAPS a poor choice for dispatching troopers.

Thank you for your time and attention. I will be happy to respond to any questions you may have.