

DEBUNKING THE NOTION THAT MUNICIPAL POLICE WOULD USE RADAR TO RAISE MUNICIPAL REVENUES

The notion that municipal police would use radar to raise municipal revenues is an unfounded concern that has little basis in municipal reality. Here are some of the reasons why:

- There is nothing in the training or compensating of a municipal police officer that would cause a police officer to *relate* the apprehension of a speeding motorist with revenue received by the municipality. The Municipal Police Officers' Education and Training Commission has mandated that the basic police training course curriculum include instruction on "patrol *procedures and operations*" but nowhere on the list of sixteen other course subjects is municipal budgeting. Furthermore, the compensation paid to a police officer is not affected by the number of tickets for moving violations that he/she issues. Consequently, it is absurd to suggest that police officers would view law enforcement as a revenue-raising activity. This would mean they would be incentivized *not* to prevent crime or discourage speeding, which is the opposite of what they have been trained to do. In short, the mindset of a police officer confronted by a speeding motorist is to enforce the law, not to assist the municipal government in raising revenue.
- Likewise, the police chief would not view enforcing maximum speed limits as a revenue-raising activity. The reason is that all of the powers and duties of the chief of police are executive in nature, not legislative. Under the elected officials of the municipality to whom the police chief reports, the chief's duties include: preserving order, enforcing ordinances and regulations, removing nuisances, and handling emergencies. These are legal responsibilities that often require decisive action in response to a perceived threat to the social order of the community. These are not instances where a response is being evaluated for its fiscal impact. Raising revenue for the municipality is the responsibility of the municipal council, commissioners or supervisors. Conversely, municipal finances are not the responsibility of the chief of police.
- Even if a police chief were inclined to try to raise revenue through the issuance of traffic tickets by the police force, it would be extremely difficult, if not impossible to do so. The reason is because the *cost* of enforcing the maximum speed limits is so high and the *revenue* received by the municipality from the issuance of a ticket is so low. The *cost* of issuing a speeding ticket can be estimated by determining the hourly cost of a police officer (or officers) on traffic duty and multiplying that cost by the percentage of an hour that it takes to issue one ticket. In May 2011, the United States Bureau of Labor Statistics reported that the median hourly wage of a police officer in Pennsylvania was \$27.12. For 2010, the Employee Benefit Research Institute estimated that the 34.4% of the total compensation paid to state and local government employees was for "benefits." Using these two statistics, the median hourly cost of a municipal police officer would be \$41.34 per hour. Municipal police have estimated that the minimum amount of time for a police officer to put himself in

a hidden location to monitor speed; detect the speed of a speeding motorist; turn on the sirens and lights; pull the motorist off the roadway; request the driver's license and owner's card; check the ownership information; write a speeding ticket; issue the speeding ticket to the motorist; and convert the speeding ticket to a citation at the police station for transmittal to the district magistrate is estimated to take a minimum of 25 minutes. Consequently, the minimum cost for a municipal police to issue one speeding ticket would be \$17.22 ($25/60 \times \41.34). If two police officers are involved (one to detect a motorist's speed and the other to apprehend the motorist), the cost would be \$34.44. If the motorist chooses to appeal the speeding citation, the overall cost of issuing the ticket would triple or quadruple depending on whether the police officers are being paid overtime and/or are paid a minimum number of hours for a "call-out."

- The *revenue* that a municipality derives from the issuance of a traffic ticket depends upon how fast a motorist travels over the speed limit. When a motorist travels 10 to 15 miles over the speed limit, and does not appeal the citation, the cost of the traffic citation is \$114.50. Of that amount, the district magistrate will pay \$80.30 to various agencies and funds of the Commonwealth of Pennsylvania, \$19.20 to the County, and \$15.00 to the municipality. A motorist travelling 16 to 25 miles over the speed limit would increase the amount of the citation to \$124.50 and enable the municipality to receive another \$5.00 or \$20.00 total. If the motorist travels 26 or more miles above the speed limit, the amount of the speeding ticket would grow to \$134.50 and the municipality would receive an additional \$5.00 or \$25.00 total.
- With the minimum *cost* for writing a speeding ticket ranging from \$17.22 to \$34.44 (depending upon the number of police officers involved) and the *revenue* from writing a speeding ticket ranging from \$15.00 to \$25.00, it is extremely difficult for a municipality to "make money." Whenever one police officer issues a ticket to a motorist travelling 10 to 15 miles over the speed limit, the costs will exceed the revenue received. When two officers are involved, the costs will always exceed the revenue received regardless of the motorist's speed. When motorists appeal their speeding citations to the district magistrate, the costs will greatly exceed the revenue received.
- Based on the above calculations, there are instances in which the revenue received for issuing a speeding ticket *could* exceed the costs; however, mitigating against any sustained revenue excesses are at least three factors. Firstly, enforcement of the maximum speed limits will have a deterrent effect on other motorists causing a decrease in the number of motorists speeding as well as the amount by which the speed limits are exceeded. Secondly, most municipal police departments do not have a dedicated traffic unit so if there is a traffic accident or crime that needs to be investigated in the municipality, enforcement of the maximum speed laws will terminate or be curtailed when the police officer works on another assignment. Thirdly, the faster a motorist is travelling the higher the cost of the ticket and the cost the more likely it is that the motorist will appeal the speeding citation causing any revenue excesses to disappear.

- The irony of a legislator believing that a municipality may use radar to raise revenue is that the only entity which will benefit from increased enforcement of the legislature's maximum speed limits is the Commonwealth of Pennsylvania itself. The Commonwealth receives \$80.30 to \$90.30 per ticket and does not directly participate in the cost of enforcement.

- Even if it were possible for a municipality to profit from speed enforcement, this should not be an overriding concern of the General Assembly. From a public policy standpoint, it is more important to protect the public by encouraging enforcement of the maximum speeds that the General Assembly has determined to be safe to drive; rather than hinder enforcement of public safety laws for fear that some municipalities may derive revenue from enforcement. As evidence that the people of Pennsylvania support such a public policy, when the business community of Shamokin Dam Borough in Snyder County was asked to rate the importance of various proposals for improving their community, the highest rated proposal was "aggressive enforcement of the traffic laws on Routes 11 & 15." This priority is consistent with the experience of many municipal officials who have found that the number of times that residents have demanded *enforcement* of maximum speed laws far outnumbers complaints, if any, that traffic enforcement has been too aggressive.