



PENNSYLVANIA LEGISLATIVE BLACK CAUCUS & HOUSE DEMOCRATIC POLICY COMMITTEE JOINT PUBLIC HEARING

Topic: Police Reform
G-50 Irvis Office Building – Harrisburg, PA
August 19, 2020

AGENDA

- 2:00 p.m. Welcome and Opening Remarks
- 2:10 p.m. Panel One:
- Michelle Kenney
Mother of Antwon Rose
Director of The Antwon Rose II Foundation
 - Jasiri X
Co-Founder and CEO
IHood Media
 - Rose Price
Community Activist
- 2:40 p.m. *Questions & Answers*
- 3:00 p.m. Panel Two:
- Alphonse Gerhardstein
Board Member
National Police Accountability Project
 - Tameka Hatcher
Educational Outreach/Police Training Program Coordinator
Pennsylvania Human Relations Commission.
- 3:20 p.m. *Questions & Answers*
- 3:40 p.m. Closing Remarks

PUBLIC SAFETY REFORM

Alphonse A. Gerhardstein

National Police Accountability Project

(NPAP)

NPAP

- Non-profit protects the civil rights of persons who encounter police and detention officers; project of the National Lawyers Guild
- 500+ Lawyers, Law Students and Legal Workers
- Provides resources to lawyers representing victims of abuse
- Educates the public on civil rights issues involving police and lock-ups
- Educates the public on pending legislation
- Files amicus briefs on important civil rights issues

RESOURCE ON PENDING LEGISLATION

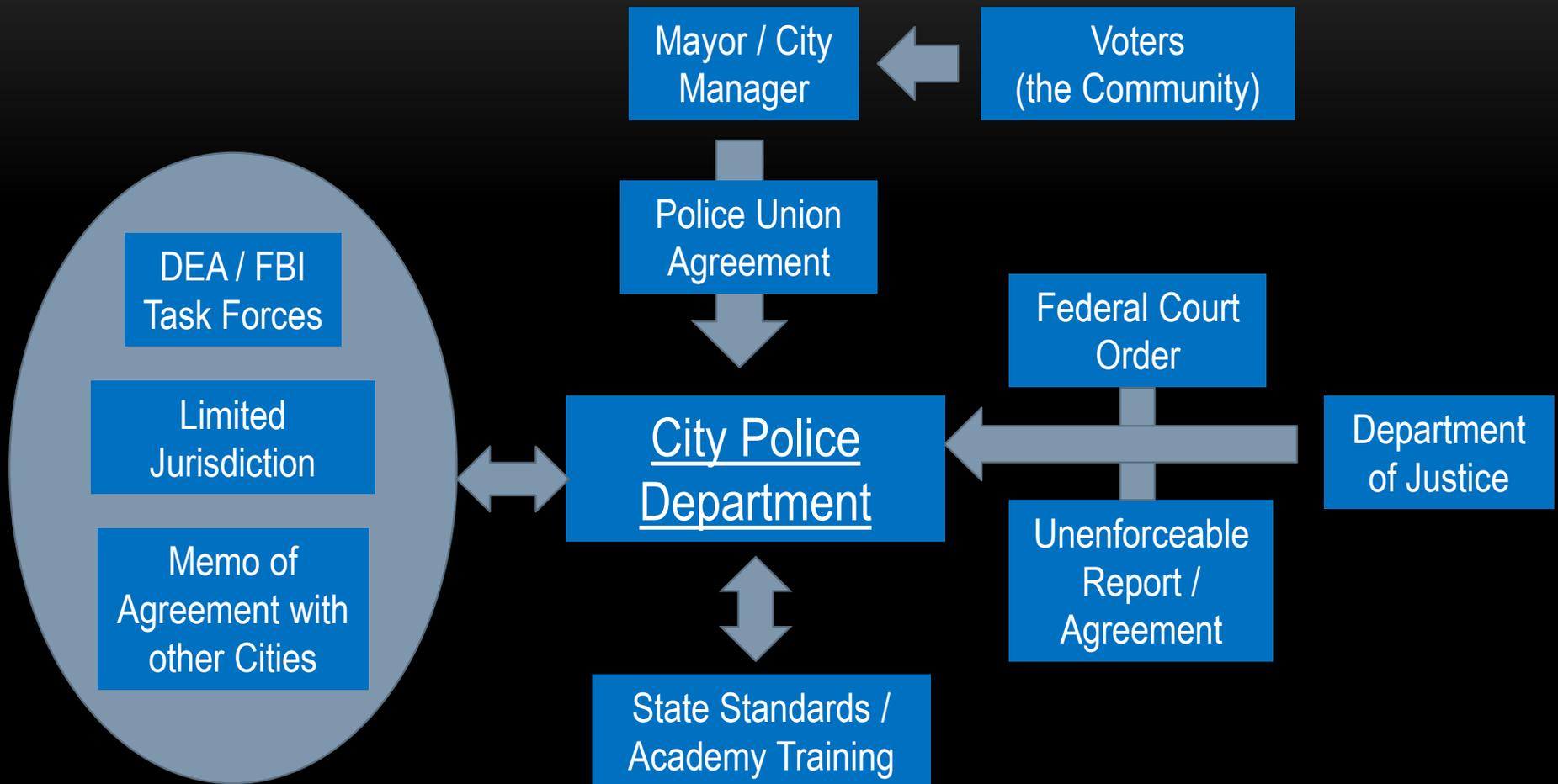
Rachel Pickens



NPAP Review

- Submit draft legislation for comment to our director, civil rights attorney Rachel Pickens:
director.npap@nlg.org
- NPAP will circulate the draft and provide feedback. This is not a formal or funded project of NPAP but will normally secure thoughtful, helpful responses

LOCAL POLICING OVERVIEW



POLICE REFORM UNDERMINED BY COURT RULINGS FAVORING OFFICERS

1. Excessive Force – force needed to overcome resistance
2. Officers Accountability – special defense of qualified immunity; Unions win arbitrations
3. Stop Race Based Policing – must prove intent

CINCINNATI COLLABORATIVE GOALS – CITY + POLICE UNION + COMMUNITY

- First Goal: Police Officers and Community Members Will Become Proactive Partners in Community Problem Solving
- Second Goal: Build Relationships of Respect, Cooperation and Trust Within and Between Police and Communities
- Third Goal: Improve Education, Oversight, Monitoring, Hiring Practices and Accountability of CPD
- Fourth Goal: Ensure Fair, Equitable, and Courteous Treatment for All
- Fifth Goal: Create Methods to Establish the Public's Understanding of Police Policies and Procedures and Recognition of Exceptional Service in an Effort to Foster Support for the Police

REFORM GOAL OF CINCINNATI BLACK UNITED FRONT

Transparent, bias free, accountable police partnering with community to achieve public safety *while reducing reliance on arrests.*

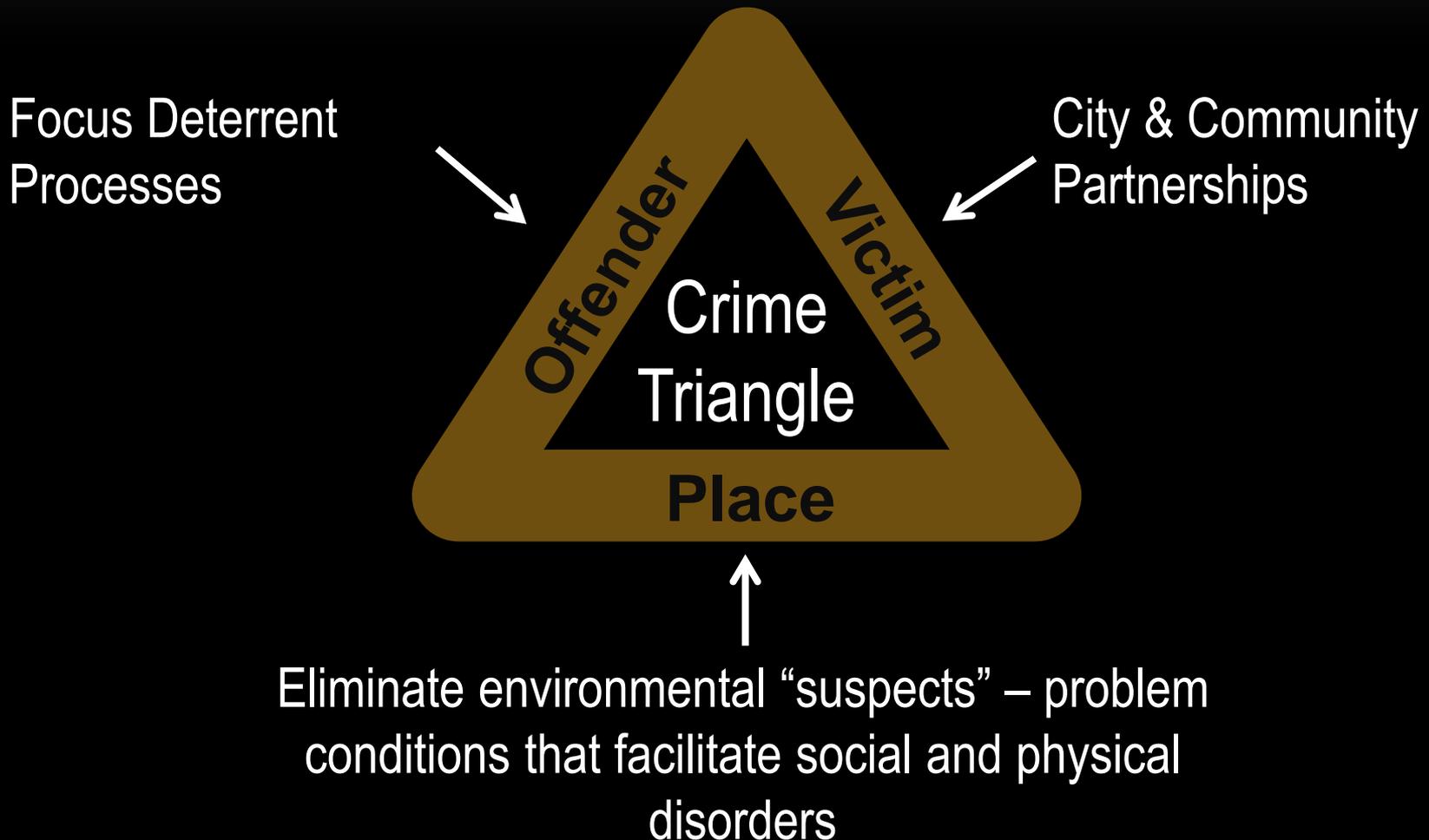
HOPE: EMERGING BEST PRACTICES

- Use of Force: Deescalation wherever feasible (Para 46, Clev; UCPD)
- Residents with Emergency Mental Health Needs: Crisis Intervention Teams (CIT) (coordination of dispatch, police and EMS/Fire)(Section VIII, Clev; see <http://citinternational.org/>)
- Accountability: Cincinnati Citizen Complaint Authority. <https://www.cincinnati-oh.gov/ccia/>; employee tracking;
- Transparency: Cruiser Cam and Body Cam (see Scorecard, Leadership Conference website, <https://www.bwcscorecard.org/>)
- Investigations with Integrity: Criminal and Civil (see below)
- Racial Disparity Tracking: <https://measuresforjustice.org/>; Florida and IL statutes
- Reducing reliance on arrests: Problem Solving based on data (see below)

Crime Triangle



CPOP DISRUPTS EACH SIDE OF THE CRIME TRIANGLE



Research Evidence that Supports a Place-Based Policing Strategy

- Crime is concentrated across places
 - 80-20 Rule
- Troublesome places tend to stay that way without intervention.
- A diffusion of crime prevention benefits is more likely than displacement.
- Owners can create or correct troublesome places.



PIVOT SHOOTING REDUCTION SITES CINCINNATI

Evaluation

Table 7.2. Shooting Victim Counts

	Time 1			Time 2			
	Site 1	Site 2	City*	Site 3	Site 4	Site 5	City*
24 Months Pre	26	8	817	14	9	12	838
24 Months Post	2	7	820	6	3	1	730
Count Change	-24	-1	3	-8	-6	-11	-108
Percent Change	-92.31	-12.5	0.37	-57.14	-66.67	-91.67	-12.89

*City Time 1 represents all reported shooting victims citywide for 24 months pre and post PIVOT, excluding PIVOT Sites One and Two. City Time 2 represents all shootings citywide for 24 months pre and post PIVOT, excluding Sites One through Five.

LEAVE REFORM TO LAWSUITS?

NO!

Lawyers can help frame reform but follow through depends on the community and political leaders; Constitutional bar very low

CHALLENGING THE STATUS QUO

- Criminal Prosecutions and Discipline
- DOJ Decrees
- Private Lawsuits
- COPS office reforms
- Community Action Steps
- State laws

TYPICAL SHOOTING – CRIMINAL PROSECUTION AND OFFICER DISCIPLINE

Criminal vs Administrative

Who Investigates

- officer jurisdiction

- independent agency

Who has access to evidence

- public record laws

How will evidence be used

- grand jury

- administrative review/discipline (arbitration/union contract)

- civilian review

MODERN DOJ DECREES

1. Remedy for Systemic Abuses
2. Stop Excessive Force
2. Hold Officers Accountable
 - Employee tracking system
 - Cruiser cam and body cam
 - Citizen complaint authority
3. Stop Race Based Policing
 - stop and frisk
 - broken windows
4. Problem Solving
5. Community Advisory Council

PRIVATE CIVIL LAWSUITS

1. Typically - Money
2. Additional Relief Secured by NPAP member attorneys
 - a. Policy Reform
 - b. Training Reform
 - c. Apology
 - d. Reconciliation Circles
 - e. Employment restrictions
 - f. Tuition Remission
 - g. Memorials
 - h. Plaques

CARRIE CULBERSON MEMORIAL



EVERETTE HOWARD, JR. MEMORIAL



In honor of Everette Lee Howard, Jr., August 6, 2011

APOLOGY FROM UC PRESIDENT ONO



Office of the President
University of Cincinnati
PO Box 210063
Cincinnati OH 45221-0063
Phone: (513) 556-7331
Fax: (513) 556-3010
Email: president@uc.edu

January 9, 2013

Mr. & Mrs. Howard
c/o Gerhardtstein & Branch Co. LPA
432 Walnut Street # 400
Cincinnati, OH 45202

Dear Mr. and Mrs. Howard:

On behalf of the University of Cincinnati, I want to extend our very deepest regrets to you and your family for the loss of your son. By all accounts, Everett was a truly amazing young man with a tremendously bright future ahead of him. Having watched your videotaped testimony, it is clear to me that he meant the world to you.

As the father of two young children, I cannot begin to imagine the immense pain and loss that has enveloped your lives. Please know that in extending our heartfelt sympathy to you and your family, I do so with the utmost sincerity, respect and admiration.

It is my hope that our efforts to find a resolution will enable you and your family to move forward with fond memories of Everett's remarkable life and extraordinary spirit.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Santa J. Ono'.

Santa J. Ono
President

MOODISPAUGH & STURGEON PLAQUE

05/09/2006 01:06 pm

OUR MISSION IS:
"TO PROTECT AND TO SERVE"
REMAIN VIGILANT FOR THOSE IN OUR CARE
REMEMBER THESE TWO YOUNG MEN
AND THEIR FAMILIES



DONNIE LEE STURGEON
FEBRUARY 9, 1973-
FEBRUARY 4, 2003



DALLAS SHAIN
MOODISPAUGH
APRIL 8, 1980-
AUGUST 7, 2003

THEY ARE LOVED
AND MISSED DAILY

COPS OFFICE AND OTHER NON-DECREE REFORM EFFORTS

- University of Cincinnati – Exiger Report
- Some Cities Invite DOJ COPS Office to lead Collaborative Reform Efforts
 - San Francisco (2016)
 - Las Vegas (2012)

STATE ACTIONS SUPPORTING REFORM

- Background Checks, mental health screening
- Centralized ongoing Training including deescalation
- Negative Conduct impacting law enforcement licensing
- Centralized use of force investigations
- Outlaw union contract terms that delete discipline
- Incentivize problem solving
- Eliminate officer Immunity
- Require that racial data be collected and analyzed statewide
- Ban Excited Delirium as Cause of Death
- Create treatment models like Reclaim Ohio:
<https://www.crimesolutions.gov/ProgramDetails.aspx?ID=678>

COMMUNITY ACTION STEPS ON REFORM

- Educate on local Police Structure and Issues
- Find Allies – ACLU, Black Lives Matter, NAACP, Neighborhood Groups, Black Faith based Groups, Interfaith Councils
- DOJ decree? Who is on Community Advisory Council and Mental Health Advisory Council
- Is there Civilian Review Board? Structure? Members? Scope – complaints or patterns and policy review as well?
- Who should be in room to develop best local action plan for reform?
- Will community do more than public witnessing?

COMMUNITY ACTION EFFECT OVER LONG TERM

- Police organizations are para-military. Members tend to stay in the Department
- Reform is more likely when supported by long term relations with informed citizens
- Join commissions/councils/advisory boards?
- Encourage Interfaith groups to pursue reform?
- Reach out to victim families – support them as they pursue justice
- Engage in problem solving
- Continue public witnessing but supplement with concrete action

COMMUNITY MEMBERS AND DATA

- Transparency is key to trust – accurate and accessible data is key to transparency (see Cincinnati Dashboard)
- Data to define problems (service call analysis)
- Data to hold police accountable, e.g.
 - Arrests by race
 - Use of force by race
 - Complaints by race

What to do with Data?

- Track racial disparity
- White papers
- Feed to press for thorough stories
- Forums
- Design problem solving projects
- Trend analysis

POLICE REFORM TOOLKIT

www.gbfirm.com/police-reform-toolkit

General Resources

1. Walker, *What a Good Police Department Looks Like*, Oct 2014
2. President's Task Force of 21st Century Policing, May 2015
3. Gerhardstein Testimony before President's Task Force
4. Walker, *Community Voice in Policing*, 2015
5. Gerhardstein, *One White Man's Reflections of the 15th Anniversary of the Collaborative*, 2016
6. Cincinnati Manager Advisory Group Draft Dashboard 2015
7. DOJ Findings Letter, Cleveland Ohio (2014)
8. Stress On The Streets (SOS): Race, Policing, Health, And Increasing Trust Not Trauma

Agreements Enforceable in Court

1. Cincinnati Collaborative Agreement (2002)
2. Memorandum of Agreement, DOJ & Cincinnati (2002)
3. DOJ Settlement Agreement Cleveland Ohio (2015)

Agreements Not Supported by Court Order

1. Collaborative Reform Process Las Vegas (COPS Office) 2012
2. Exiger Report, University of Cincinnati Police Department, June 2016

Selected Topics

1. Mental Health Crisis Intervention, see <http://citinternational.org>
2. Body Cams – LCCHR Upturn Scorecard, for updates see Leadership conference Website, <https://www.bwccscorecard.org/>
3. Body Cams – COPS Office and PERF, “Implementing a Body Worn Camera Program”
4. Problem Solving - Cincinnati Problem Solving Procedure
5. Bias – Carmen Culotta, Ph.D., Implicit Bias PowerPoint



Introduction and Issue Identification

Good Afternoon, Chairman Sturla, Chairman Kinsey, Members of the House Democratic Policy Committee and the Pennsylvania Legislative Black Caucus. Thank you for extending an invitation to the Pennsylvania Human Relations Commission (PHRC) to participate in this Hearing on Police Reform. My name is Tameka M. Hatcher, MBA, and I serve as the PHRC Educational Outreach/Police Training Program Coordinator. As the Commonwealth agency charged with enforcing anti-discrimination laws and promoting equal opportunity for all, the Commission has a vested interest in police reform because it affects every jurisdictional area covered by the Pennsylvania Human Relations Act of 1955: Employment, Housing, Education and Public Accommodations. The necessity for police reform is driven by the disparity in treatment of African-American, Latinx/Hispanic and other Persons of Color that has been well documented by entities such as the U.S. Department of Justice, NAACP, National Criminal Justice Reference Service – Office of Justice Programs and the nation’s top universities.

According to James Buchler, Clinical Professor of Health Management and Policy at Drexel University’s Dornsife School of Public Health, African-Americans are nearly three times more likely and Hispanics are almost twice as likely to be killed by police than race White individuals. (*American Journal of Public Health*). Based on the racial demographic breakdown of the U.S. population: White – 60.1%, Black – 13.4%, Hispanic – 18.5%, these statistics indicate a disturbing pattern of disproportionate minority contact with police. The NAACP Criminal Justice

Fact Sheet reports that “a Black person is five times more likely to be stopped without just cause than a White person”, creating a public health and civil rights crisis of epic proportions.

Having a record of arrest or criminal conviction adversely affects a person’s ability to secure gainful employment, reside in public housing or obtain financial aid for educational advancement. When young Black and Latino-Hispanic people are targeted and arrested at disproportionate rates, it changes the whole trajectory of their lives. This disparate treatment begins in classrooms, well before youth come of legal age. The phenomenon known as the “School-to-Prison Pipeline” starts very early, with suspension and expulsion rates for Black and Hispanic students trending higher from preschool throughout secondary school. According to the U.S. Department of Education as reported by npr.org:

- Black children make up 18% of preschoolers, but nearly 50% of all out-of-school suspensions.
- Across age groups, Black students are three times more likely than White students to be suspended.
- Black students make up about 16% of enrolled students, but comprise more than 25% of all students who are referred to the police.
- Students with disabilities make up about 12% of the student population, but account for 75% of those restrained at schools. There is a racial gap there, too:
- Blacks are about 19% of the population with a disability, but make up over 33% of students who “are restrained at school through the use of a mechanical device or equipment designed to restrict their freedom of movement.”

Evidence also shows that sentencing disparities for the same or similar offenses by persons of different races is an epidemic in the criminal justice system. These problems are systemic and institutional and must be addressed at the legislative level, hence the vital importance of this Committee's examination of use of force policies and other police reforms.

Improving Police-Community Relations in the Commonwealth: Powers and Duties of PHRC

Section 7(f.2) of the Pennsylvania Human Relations Act of 1955 provides that the Commission shall have the following powers and duties: *"On request of the Governor, to investigate claims of excessive use of force by police in civil rights protest activities."* An example of PHRC undertaking an investigation of this kind was after the 1969 York Race Riots, where a young Black woman named Lillie Belle Allen and York City Police Officer Henry Schaad were killed during a week of civil unrest.

Diversity, Harassment and Respect Training for Police Departments

After the riots in Ferguson, Missouri in August 2014, the Pennsylvania Human Relations Commission created a Diversity, Harassment and Respect Training for Officers that is a model throughout the Commonwealth. The training was developed at the request of the Capitol Police Department, who wanted to avoid similar incidents within the Capitol Complex.

Since then, PHRC has trained city police departments, as well as campus police and smaller regional departments, including officers from the following jurisdictions: Capitol, New Hope Borough, Solebury Township, Northampton County, Bloomsburg University, Shippensburg University, Gettysburg College, Middletown Borough, Northern Lancaster Regional Police – including Warwick, Clay, Penn Township and East Petersburg, as well as officers from Lititz

Borough, Manheim Township, and Lancaster City. Pottstown Police Department is scheduled for a Fall 2020 training. PHRC has held private meetings and public town halls with Chiefs of Police from the City of Reading, Harrisburg City, Carlisle and the Borough of Steelton, and participated in the Harrisburg Regional Disproportionate Minority Contact Committee – a partnership with the City of Harrisburg, PHRC, PA Commission on Crime and Delinquency – Office of Criminal Justice System Improvements, Dauphin County Probation and Patrol, and the Chiefs of Police from City of Harrisburg, Susquehanna Township, Lower Paxton Township, Swatara Township, Borough of Steelton, Borough of Middletown, Borough of Penbrook and the Dauphin County District Attorney’s Office.

Police Reform at the Local Level

In the wake of civil tension in Lancaster City following a police officer tasing incident in the Summer of 2018, PHRC participated in a coalition with the City of Lancaster, the Department of Justice, the NAACP and other civic groups to plan a Town Hall meeting to roll out the newly-revised Use of Force Policy.

The Commission continues to support the work of the Commonwealth and local Police Departments to develop and implement sustainable reforms that improve the quality of services to the public, the safety of uniformed officers and provide for the equitable application and enforcement of the law across racial, gender and socioeconomic lines. Executive Director Chad Dion Lassiter, MSW and Chairman M. Joel Bolstein, Esq., stand ready to provide PHRC as a resource for training and advocacy of policy that promotes justice for all in the Commonwealth of Pennsylvania. For more information to the Pennsylvania Human Relations Commission, we can be found on the web at: phrc.pa.gov.