

18TH DISTRICT
STATE SENATOR
LISA M. BOSCOLA
CHAIR
SENATE BOX 203018
THE STATE CAPITOL
HARRISBURG, PA 17120-3018
717-787-4236
FAX: 717-783-1257



96TH DISTRICT
STATE REPRESENTATIVE
P. MICHAEL STURLA
CHAIR
HOUSE BOX 202096
THE STATE CAPITOL
HARRISBURG, PA 17120-2096
717-787-3555
FAX: 717-705-1923

JOINT SENATE AND HOUSE DEMOCRATIC POLICY COMMITTEE

POLICY HEARING:

Improve Policing and Community Relations: Law Enforcement Training and Diversity Education

Tuesday, July 17 at 1 p.m.

Hosanna House, Inc.

Wallace Event Center - 3rd Fl.

807 Wallace Avenue, Wilkinsburg, PA 15221

- 1:00 pm **Call to Order and Opening Remarks**
Representative Mike Sturla, House Dem. Policy Chair
Democratic Leader Senator Jay Costa, 43rd Senate District
Representative Ed Gainey, 24th Legislative District
- 1:10 pm **Panel 1**
Chief Scott Schubert, Pittsburgh Bureau of Police
Sgt. William Slaton, Commander, Heritage Affairs Section, Equality and Inclusion Office, Pennsylvania State Police
Coleman McDonough, Allegheny County Police Superintendent
Ophelia Coleman, Wilkinsburg Chief of Police
- 1:45 pm **Panel 2**
Dr. Cyril Wecht, Forensic Pathologist, Attorney and Medical-Legal Consultant
Chad Dion Lassiter, Executive Director, PA Human Relations
Elizabeth Randol, Legislative Director, ACLU of PA Commission
- 2:20 pm **Panel 3**
La'Tasha D. Mayes, Executive Director, New Voices for Reproductive Justice
Elizabeth Pittinger, Executive Director, Pittsburgh Citizen Police Review Board
- 2:45 pm **Closing Remarks**

INITIATIVES TO IMPROVE POLICING AND COMMUNITY RELATIONS

Testimony of Coleman McDonough
Superintendent, Allegheny County Police

July 17, 2018

Good afternoon and thank you for the opportunity to participate in today's hearing. My name is Coleman McDonough, and I am the Superintendent of the Allegheny County Police. My previous law enforcement service includes 25 years with the Pennsylvania State Police and approximately seven years as a municipal police chief. I'd like to talk to you today about the critical need to improve relations between the police and the communities we serve.

Sir Robert Peel, the Father of Modern Policing, established the London Metropolitan Police in 1829, along with a list of policing principles. In sum, Peel stated: "The police can earn public support by respecting community principles. Winning public approval requires hard work to build reputation, enforcing the laws impartially, hiring officers who represent the community, and using force only as a last resort." 189 years later, nothing has changed. Robert Peel's principles are as true today as they were then.

On June 19th, Antwon Rose was shot and killed by East Pittsburgh police officer Michael Rosfeld. The tragic events of June 19th have

brought about a clarion call to improve police services and community/police relationships here in Allegheny County. Never have we seen a greater need to rebuild bridges between the police and the communities we serve. Current levels of distrust in communities plagued by violent crime not only hamper our ability to solve crimes, but also severely hamper law enforcement attempts to recruit for diversity. A more diverse work force would be a major step toward increasing all police officers' cultural awareness, and would also help enhance police legitimacy in the eyes of the public.

The events of June 19th also shined a spotlight on current disparities among the more than 100 local police departments in Allegheny County, specifically regarding officer training, policy development, hiring practices, and pay. As today's hearing attests, the members of the legislature recognize the critical role that effective, consistent training can play in putting professional police officers on the street who are accountable to their communities. Many of these disparities among police departments, though not all, can be traced to the varying abilities of the 130 municipalities in the county to adequately fund their respective police departments.

While lack of funding for training is a critical component of these disparities, funding also comes into play in another aspect. Officers from less affluent communities are not able to attend training, even when it is offered at no cost to their agencies, because they cannot afford to backfill the duty shifts of officers away at training. Although attempts have been made to mitigate this issue through the advent of more and more on-line training, some types of training, including cultural awareness training, are more valuable when officers have direct interaction with instructors and other stakeholders. I would call on state

legislators, local political officials, non-profits and charitable foundations to explore new sources to fund police training. To quote former Vice President Joe Biden: "Don't *tell* me what you value. Show me your budget, and I'll tell *you* what you value."

Calls for a statewide database to increase transparency in police hiring practices could improve the police officer selection process. One of the challenges in vetting and hiring police officers today is often the reluctance of previous employers and/or municipalities to share negative information about previous employees, out of concerns over potential liability. If the legislature can provide protections to municipalities to allay these concerns, as well as due process protections for police officers, employers may be more willing to share information about past instances of founded officer misconduct.

Policy development and implementation, to include high-risk policies such as Use of Force, are some of the most important functions of a police chief. Public officials must ensure that those entrusted as police chiefs are also trained to know their responsibilities in this arena, and to know where they can gain access to model policies and mentoring assistance. Fortunately, there are existing organizations across the Commonwealth that have already taken steps to develop model policies for any community struggling to professionalize their police operations. These organizations include the Pennsylvania Chiefs of Police Association, who offer a Sample Policy Manual for police agencies, and more locally, both the Allegheny County and the Western PA Chiefs of Police Associations, who routinely distribute model policies as they are developed.

In the interests of time, I'll conclude my remarks. But please allow me to thank each of you for your willingness to work together collaboratively to rebuild police/community relationships and

improve police services. In Allegheny County, we have police agencies large and small, some well-funded and some inadequately funded. The police chiefs and police officers working for every type of agency cannot be painted with the same broad brush. Each agency has a number of officers who, regardless of the size of their respective paychecks, come to work each day or night and give their all in service to the safety of their communities. We owe it not only to the residents of our communities, but also to these dedicated officers, to provide them with the latest training and policy guidance available. I hope we can work together to make it happen.

Senate and House Democratic Policy Committee Public Hearing
July 17, 2018



Presented by:
Sergeant William C. Slaton
Equality and Inclusion Office
Heritage Affairs Section

Good afternoon members of the Senate and House Democratic Policy Committee. My name is Sergeant William C. Slaton of the Pennsylvania State Police (PSP), Heritage Affairs Section (HAS) of the Equality and Inclusion Office. Thank you for the opportunity to appear here today to discuss Community Policing. As the Commander of the HAS, I work with municipal, state, and federal agencies; local government; and community organizations in responding to hate/bias crimes and incidents. Additionally, I work closely with the Recruitment Services Section and the Equal Employment Opportunity Section, in coordinated efforts to enhance community relations and recruit qualified candidates for employment with the Department.

Over the past several years, there have been many highly-publicized incidents, where communities began to question the policies and practices of law enforcement. These types of incidents drove the need for transparency and created a necessity to improve Community Policing.

21st Century Policing is an important component to effective communications between police and members of the community. In 2014, President Obama signed an Executive Order establishing a Task Force on 21st Century Policing. The mission of the task force was to examine ways of fostering strong, and collaborative relationships between law enforcement and the communities they protect and serve. The task force was comprised of law enforcement executives and scholars from around the country. They concluded that six areas of policing needed to be addressed which were the following:

- Building Trust and Legitimacy
 - *Relationship Building*
- Policy and Oversight
 - *Ensuring accountability that provides for community input.*
- Technology and Social Media
 - *Developing Standards for use of new tools that promote greater access and transparency.*

- Community Policing and Crime Reduction
 - *Addressing matters of public safety through approaches using multidisciplinary teams, community, and youth.*
- Officer Training and Education
 - *Improving the quality of training by establishing partnership, standards, and joint facilities.*
- Officer Wellness and Safety
 - *Promoting internal policies and training that reinforce wellness and safety.*

One of the first initiatives to improve policing and community relations is acknowledging that changes need to occur for the betterment of society. There is a necessity for police departments to review existing policies and practices to ensure that all citizens of the Commonwealth have their safety needs met. Building relationships with the community can create positive outcomes, such as citizen satisfaction and trust.

Once again, I would like to thank you all for inviting the PSP to speak on this important issue. I will be happy to answer any question that anyone may have.

Public Hearing Public Safety
Chad Dion Lassiter, MSW

Regrettably, many African Americans and Latino Americans are aware of police misconduct in this nation's history be it in the form of excessive use of force, brutality, or racial profiling. Oftentimes, this is a result of first-hand experience or that of family members or friends. Therefore, the more recent instances of police misconduct, no matter how shocking to some, confirm what many black and brown people already believe about the American criminal justice system: that justice is not always leveraged fairly. Indeed, when law enforcement officials who are charged with beatings or other forms of misconduct are acquitted, the assertion is reinforced.

Simply put, the public face of a police brutality victim is that of black and latino males. This racial link is the direct result of the disproportionately high number of Blacks and Latinos who have been assaulted by the police. The racialization of police brutality has come at high price. The fact that police brutality is represented as "Black" has relegated it to the bottom tier of social problems. A clear reflection of this is the public's yawning response to the escalating claims of police brutality offered by members of minority communities. Whether or not an issue is ghettoized has everything to do with how it is perceived. More troubling, the marginalization of police brutality may reflect a belief that there is something unique about Blackness that explains and justifies police abuse. This sends a subtle, yet clear, message: there is a reasonable link between Black and Brown skin and police assaults.

All told, the dismissal of police violence as a Black thing should not surprise anyone here in Pittsburgh. Historically, social problems that disproportionately affected Blacks and Latinos were ignored.

Not only has police brutality been widely defined as a Black problem; it has been positioned as a problem for which Blacks are solely to blame. Some here will

Public Hearing Public Safety
Chad Dion Lassiter, MSW

assert that the high levels of police abuse against Blacks and Latinos can be explained by their high rates of offending. It should not be dismissable because a tiny fraction of these groups are criminals. State Rep. Gainey and colleagues I get tired of hearing the following: Blacks have high rates of crime, therefore high rates of abuse. End of story.

Many Whites have no idea of how afraid many Black and Latino people are of police. The Black and Latino Community's reaction to law enforcement is often presented in varying shades of cool pose.

A few years ago, I organized focus groups with young Black men at the University of Pennsylvania. In articulating their perceptions of the police, they did not actually use the word "fear". However, much of what they shared were feelings of anxiety about police. They shared detailed stories of their encounters, and what it is like to be a member of group that is under around the clock suspicion.

The harsh truth is that young black men have the highest probability of being stopped and therefore, harassed by the police. This remains true whether they are driving while black, walking while black, running while black, standing while black, sitting while black, studying in the library while black, working while black, in Starbucks will black etc.

I asked a retired black police officer of 30 years the following: Why is it that those of us who grew up in the inner city have developed a fear, suspicion, and distrust of cops. He replied because all too often they behave like a corrupt, occupying army, terrorizing and exploiting our community.

Because of the "we against them" fraternity mentality and the "blue wall of silence" within the police department, it has always been difficult to prove police brutality cases. Police officers often refuse to come forward to expose brutal and corrupt fellow officers. Police officers are also invested with a special dispensation of trust, which provides them to get the benefit of the doubt in court proceedings. He or she is a cop, they (i.e. community) are scum, therefore, the

Public Hearing Public Safety
Chad Dion Lassiter, MSW

cops are right is the thinking. If we assert that not all police engage in misconduct, then we must assert that not all black and latino people are criminals, the latter though does not happen within the psyche of police.

The problem of police brutality must be understood in a larger social, economic, and political context. The policy of more police and prisons has been used to substitute for policies that promote social, economic, and racial justice for people of color.

Some Suggestions:

- (1) Advocate for more police training on cultural awareness and how to interact more effectively with minority communities. In order to be effective in communities of color, police officers must have the trust of the communities they serve.
- (2) Advocate for more police training on 4th amendment (unreasonable search and seizure), 5th amendment (protection from self-incrimination), and 14th amendment (equal protection under the law) issues
- (3) Call for swift prosecution of police officers who engage in misconduct.
- (4) Engage in greater outreach and education to African Americans on their rights in dealing with law enforcement (e.g. Miranda rights) as well as how to file a complaint should they become the victim of misconduct at the hands of police



Pennsylvania Senate and House Democratic Policy Committee Testimony - July 17, 2018

Good Afternoon Chair Boscola, Senator Costa, Representative Gainey and to all the members of the Policy Committee. My name is La'Tasha D. Mayes and I am Executive Director of New Voices for Reproductive Justice based here in Pittsburgh and operating across both Pennsylvania and Ohio. For the last fourteen and a half years, New Voices has been organizing Black women to act for our own Human Rights, to end intersectional race and gender oppression and to expose and dismantle institutional oppression.

New Voices focuses on six core issues – one of which is mass incarceration. Mass incarceration is the unique tradition in the United States of locking up Black and Brown people in cages largely for non-violent offenses fortified by a criminal justice system that codifies racism and racial bias. This issue impacts the tens of thousands of Black women, femmes and girls we serve through our leadership development, community organizing, policy advocacy and culture change work.

From the increasing number of Black women being incarcerated for non-violent offenses, to the barbaric practice of shackling pregnant incarcerated women, to insidious sexual violence, sexual assault and rape in our jails and prisons, the pushout of Black girls from schools to pathways of confinement and to engagement with law enforcement which polices Black people for simply existing and simply being Black. If you are white, you probably never give a second thought to encountering police or being killed by the police while living your daily life - walking down the street in your neighborhood, driving to a job interview or sending your children to go play at the park. For Black people, this expectation to encounter police and potentially be killed by police is woven into Black American culture and no amount of money, education or status can protect us.

This is why “The Talk” is necessary for Black children because interacting with the police is an inevitability which if not handled with deference and indignity can mean life or death. As it relates to our work, Reproductive Justice includes the Human Right to parent your children with necessary social supports in safe environments free from violence. A person deserves to parent without fear that their child will be hurt or killed. Freedom from violence is Reproductive Justice.

Policing as we know it today is a relatively new invention. Its origins in the United States are predicated on an idea of protecting largely the economic, political and social interests of those in power at any given time in our nation’s history. From privately funded-models of policing in the 1600s that employed known criminals and night watchmen service as a form of punishment to the publicly-funded police forces of the 1800s touted to protect the collective good, policing is

fundamentally based on controlling unsavory populations. These undesirable groups meant drunkards, gamblers, unionists, Eastern Europeans immigrants, Catholics, voters and sex workers. In the South, the undesirable group was enslaved Africans and their descendants. The origins of policing in this region were to preserve the system of slavery as whole, to return enslaved Africans who ran away to seek freedom and to prevent the organized resistance of slave revolts. During the eras of Reconstruction, Jim Crow, the Civil Rights movement, Black Power and #BlackLivesMatter, policing is the primary tool of controlling Black people, occupying Black communities to maintain order and prevent crime and criminalizing Black bodies even if that means killing unarmed Black people. This horrific trauma passed down through generations haunts Black people to this day. We still see the vestiges of the past in the policing of today.

There are significant racial disparities in how police in the United States use force based on the idea of imminent threat according to the Vox report on policing. According to the Federal Bureau of Investigation (FBI) 2012 Supplementary Homicide Report, Black people represented 31% of all people killed by police and 39% of people killed by police while not attacking. Black people make up 13% of the population. Police officers have to reasonably believe their own life or the life of others are in danger which in our legal framework matters more than whether a person actually posed a threat. If the mere existence of a Black person is a threat in our communities, cities and society, then there is always a rationale for police to use deadly force and never face any consequences.

The *Mapping Police Violence* research notes that there were only fourteen days in 2017 when police did not kill someone. Black people are three times as likely to be killed by police and 30% of Black victims of police killings were unarmed. Fewer than one in three Black people killed by police were suspected of a crime and allegedly armed.

We are now here in this moment. Antwon Rose has been killed by police officer Michael Rosfield. Antwon was shot three times in the back while running away with his hands up. He was not suspected of crime, he did not participate in a crime and he was unarmed. His crime was being Black and he was perceived as threat. May Antwon rest in eternal peace and may his family be comforted during this unspeakable time of grief. The truth is that Black people share in the painful loss of Antwon because we know that this could be our son, any member of our family, our friend, our co-worker or any Black person we know.

The question of this body is how to improve policing and community relations. The answer is the same as how do we dismantle anti-Black racism. Policy cannot do this alone. However, policy can give the Black residents of Pennsylvania an indicator of what we value. For Senator Costa's proposed legislation, our feedback is as follows:

- Specialized units must be overrepresented by Black police officers and officers of color who we assert would have greater competency in crisis situations;
- Ensuring that Black counselors who specialize in trauma-informed care are resourced to offer support to communities and individuals and this service is free, connected to trusted organizations and promoted widely;
- The statewide database should include disciplinary actions and misconduct that specifically identifies whether incidents involved race, color, gender, age, sexual

orientation, gender identity and any other class protected by the Pennsylvania Human Relations Commission as well as county and municipal Human Relations Commissions and all disciplinary action and incidents of misconduct should be made available to the public so we know who is policing our communities;

- Implementation and adherence to a uniform Municipal Police Officers Education and Training Commission use of force policy and extensive standardized training must be connected to continuing funding for police departments; and
- We are beyond the point of cultural awareness when it involves policing. It is imperative for a bipartisan legislative caucus to examine institutional racism and the intersection of policing through a process that acknowledges and intends to uproot white supremacy.

Concerning the policy recommendations of State Representatives Davis, Gainey and Wheatley, we offer the following feedback:

- We support the establishment of a state licensing commission for police officers that acts independently, provides stringent protocol for obtaining or renewing a police license and can levy removal of a license and impose fines in the case of misconduct;
- The bipartisan legislative caucus must also examine white supremacy in policing and identify models anywhere in our state where police have shown to have “decent” or “good” relations with the communities; and
- The background check system for police must be universal and accessible to all police departments in Pennsylvania as well as any entity or institution who hire candidates with a background in policing.

There are clear ways that policing as an institution, police departments and police officers can work to end police violence. The *Use of Force Project* identifies important practices – few of which have been adopted by police departments and they all are likely to decrease police killings:

- Requiring an officer to use all other means before shooting (-25%);
- Requiring all use of force to be reported (-25%);
- Banning chokeholds and strangleholds (-22%);
- Developing a use of force continuum (-19%);
- Requiring de-escalation (-15%);
- Mandating a duty of officers to intervene and stop excessive force (-9%) and;
- Requiring officers to give a verbal warning (-5%).

There is not one solution to this deeply entrenched rift between police and Black communities. This hearing is one small step towards a longer journey of bold action to make Black lives matter in Pennsylvania. It is a vision that calls into question our moral obligation to eradicate racism.

Thank you for this opportunity to speak before you today. New Voices for Reproductive Justice continues our work across Pennsylvania dedicated to building a social justice movement dedicated to the health of women and girls through leadership development, Human Rights and Reproductive Justice. We have a Human Right to exist, thrive and to be Black. We stand in solidarity with the leaders, community organizers and organizations who demand Justice for Antwon Rose Jr. and demand accountability for police who do not value Black lives.