**Justice in Policing – A Response to Senator Robert Casey**

**By: Scott L. Bohn**

Ordinarily I would not feel compelled to respond to another’s opinion. I have great respect for diversity of opinion and thought. This a rare exception. I read Senator Robert Casey’s Op-Ed published July 17, 2020 “[The Justice Reform in Policing Act will help address systematic racism in policing.”](https://www.pennlive.com/opinion/2020/07/the-justice-in-policing-act-will-help-address-systemic-racism-in-policing-us-sen-bob-casey.html) I was disappointed that his opinion mischaracterized and seemingly maligned over 1,000 professional and dedicated law enforcement executives in the Commonwealth.

The Senator is aware that policing has always been one of our country’s most complex and challenging professions. Comprehensive criminal justice reform is a complicated challenge. It requires the full engagement of many parties, including, but not limited to, police, prosecutors, the judiciary, prison and probation officials, the health care community, mental health providers, the private sector, community leaders, and our elected officials. It requires an examination of the socio-economic conditions in our Commonwealth and country. It requires thought, discussion, and time.

Pennsylvanians call the police when they cannot solve problems. When other institutions and parts of our social structure fail, the police take on the problems that others want to ignore. This is not a condition created by law enforcement leaders in Pennsylvania. The police are just the most visible and accessible part of government.

Casey’s Op-Ed suggests that “pattern-or- practice investigations” and reforms through the implementation of “consent decrees” are common. Since 2009, an overview of the Civil Rights Division’s police reform work under Section 14141 of the Violent Crime Control and Law Enforcement Act of 1994, indicates the Division opened 25 investigations into law enforcement agencies and is currently enforcing 19 agreements, including 14 consent decrees and one post-judgment order.  There are approximately 18,000 policing agencies in the United States and approximately 1,072 in Pennsylvania. I believe the decrees were warranted in the arguably small number of instances where unconstitutional police “pattern and practices” of misconduct had been adjudicated. I would also suggest that this is not “common”. Consent decrees are not perfect. The reality is there is no perfect mechanism for the kind of change that is being discussed. Pennsylvania’s police accreditation is part of that solution. Professional policing is and should remain apolitical. As the Senator knows, or should know, Pennsylvania’s accreditation standards prohibit chokeholds, except as a last resort in the application of deadly force. This is legislation we, as police leaders, have supported. Accreditation standards require the reporting and justification for all force applications. Since 2016, the Pennsylvania Chiefs have supported a police hiring database system. We supported Attorney General Shapiro in his substantial efforts to build a coalition of support for a system that our Governor has signed into law. Training and education is fundamental to professional law enforcement; it is not a partisan political position. I do share the Senator’s view, in hope, that our legislators work in unison to address systematic racism wherever it exists and recognize that public trust is critical to law enforcement

The belief that the “qualified immunity doctrine” “needlessly shuts the doors of justice on victims of police brutality” is inaccurate and misleading to the public. Qualified immunity is nothing more than a term placed on a protection that every profession, including law enforcement, possesses. Simply stated, you cannot be held responsible for something the law didn’t say was wrong at the time you did it. While it is usually associated only with a state actor (like police), It cannot be legislatively or judicially abrogated. It is not an “impenetrable shield against the victims of police violence”. The suggestion is misleading to those who do not understand this concept of law and inflammatory to a professional association of police executives that promulgates, practices, and promotes standards and accountability in Pennsylvania.

I would encourage the Senator and our elected officials across the State work with police leaders and community members to develop and implement solutions regarding concerns in policing practices. It is imperative that their efforts reflect a balanced, strategic approach to addressing crime and prioritizing community safety. The Senator’s commentary, while politically expedient, lends itself to potentially shortsighted decisions that may have an adverse or unintended consequence. The opinion he expressed does not inform nor does it reflect the law enforcement environment in Pennsylvania. Pennsylvania’s professional police chiefs are committed to public service and ensuring our communities are safe. Pennsylvanians need to work together and against social injustice and make our Commonwealth equally safe for all its citizens.

Effective and lasting change require resources, commitment, and well thought out approaches. Our law enforcement leaders will continue to embrace the challenge and hold themselves accountable as we work through challenging times. This is not an issue to be politicized; it is an issue of civility, common courtesy, and a respect for human dignity. Change is both necessary and possible, but this must occur through the lens of truth, reality, and critical thinking. We look forward to working with Senator Casey and all our elected officials. The public’s safety is the first obligation of government.

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