

**Pa. Senate panels continue their look at policing, criminal justice reforms in wake of Floyd’s death**

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Jenni Chavis, a Harrisburg criminal defense attorney, urged law enforcement officials to begin grooming elementary-age black children for careers in law enforcement as a way to bring more diversity into their ranks. June 18, 2020 Screenshot from Pa. Senate website

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There’s no doubt policing in America and here in Pennsylvania has gone under the microscope as a result of the events that led to the May 25 death of George Floyd in Minneapolis.

Floyd’s life ended as a police officer knelt on this neck for nearly nine minutes; the officer has been charged with murder. Police officers who spoke to two state Senate committees called Floyd’s death in police custody “shocking” and “appalling” and one that has diminished trust in law enforcement and demand for reforms.

“However, we cannot allow this incident to define our profession or policing in Pennsylvania,” said Pennsylvania Fraternal Order of Police State President Les Neri. “We’re firmly committed to working with all stakeholders to create an environment of healing, understanding, and trust.”

The Senate Judiciary and its Law and Justice committees have set out on an information-gathering mission to find ways that the General Assembly can help the state’s law enforcement do just that.

On Thursday, it held the second of a two-day hearing that brought nearly 40 testifiers before the senators to share their various views on accountability and equality in law enforcement and the criminal justice system.

* [Pa. senators explore policing, criminal justice reform issues in wake of George Floyd’s killing](https://www.pennlive.com/news/2020/06/pa-senators-explore-policing-criminal-justice-reform-issues-in-wake-of-george-floyds-killing.html)

The law enforcement officers, prosecutors, criminal defense lawyers, academicians, activists, and police union officials covered a lot of ground during the lengthy hearing as they vetted a myriad of issues that have moved to the forefront in the wake of Floyd’s killing and the protests that have ensued as a result of it.

“Just as we know the overwhelming majority of people protesting are doing so peacefully, we also know the vast majority of our law enforcement officers are good men and women of conscience,” said Sen. Pat Stefano, R-Fayette County. “However, Pennsylvania needs a constructive conversation about finding a balance between law enforcement and community relations.”

**Police body cameras**

Body cameras are seen as an effective tool to provide police accountability. Their use was authorized in Pennsylvania through a 2017 state law. But the biggest roadblock that law enforcement has encountering with them is figuring out how to pay for them.

While some municipalities have obtained grants or earmarked money in their budgets to pay for them including [Harrisburg and Steelton among others](https://www.pennlive.com/news/2019/07/does-your-local-police-department-have-body-cameras.html), “most of these agencies simply cannot afford body cameras,” said Scott Bohn, executive director of the Pennsylvania chiefs of police of association.

The same goes for the state police, said Lt. Col. Christopher Paris, deputy commissioner of administration and professional responsibility of the state police.

Troopers have had mobile video recording systems in their cars for several years now and “from an overwhelmingly statistical standpoint, our people rely on them to show that they’re doing the right thing. I think that for the body camera issue, moving forward long after our careers are over here, it will be as, my prediction would be it will be as ubiquitous as red and blue lights. But the problem for us is fiscal. "

For the state police, he estimates putting a body camera on all of its troopers would carry a price tag of about $50 million to cover the upfront cost of buying the thousands of units that would be needed as well as the ongoing cost of data storage.

“It’s difficult to predict how much storage you’re actually going to need for evidentiary purposes and statutes of limitations and ongoing prosecutions, etc.,” Paris said. “The maintenance of it as well. It’s going to be worn basically like a duty belt. It’s going to be subjected to all weather conditions and all types of incidents.”

**Binding arbitration**

Sen. Mike Regan, R-Cumberland/York counties, said a perception exists in the public as well as inside the Capitol that it is difficult to fire a problem police officer because of the state’s police arbitration process.

He asked law enforcement officials if that is the case or if there is something that needs to be addressed legislatively to deal with rogue officers.

But both the Northern Lancaster County Regional Police Chief David Steffen and representatives of police unions dismissed the need for legislation.

“Sometimes people need to be disciplined and fired and there are ways to have that happen,” Steffen said.

Sean Welby, an attorney who represents the state troopers association as well as about 100 police bargaining units across the state, said the public’s perception of Act 111, the law that authorizes binding arbitration in the collective bargaining with police, doesn’t match the one that exists in reality.

He said that law is used to establish wages, hours, benefits and working conditions for officers but when it comes to disciplinary matters, the act merely provides for due process which is necessary when it involves a government agency.

Welby noted that none of the police executives who spoke before him at the hearing said binding arbitration for disciplinary grievances posed a barrier to dealing with police officers whose behavior suggests they should be fired. He said granted, there may have been times when the outcome of a civil service or arbitration proceeding may have reinstated an officer who he thought based on the facts should have been fired but those are anomalies.

“Anomalies cannot be the basis for legislation,” he said. “What I can tell you is it [Act 111] provides a level of protection of due process and of holding accountability to both sides of the equation.”

**Adding diversity to the ranks**

Changing the culture of policing particularly in communities of color is needed to rebuild trust. Sen. Tony Williams, D-Philadelphia, said a way to do that would be to include more diversity within the law enforcement ranks.

Paris said the state police under Col. Robert Evanchick’s leadership is committed to increasing diversity within the department’s ranks. Currently, he said the percentage of minorities falls in the single digits for the percentage of cadets and troopers up through the rank of sergeant.

He said the state police have full-time recruiters who are out there trying to attract candidates at historically black colleges and universities in Pennsylvania and outside it.

But Charles Wilson of the National Association of Black Law Enforcement Officers later suggested police agencies need to look at their methodology for recruiting and make sure they are looking in places where people of color are.

If it’s black women they are looking to recruit, Wilson said with a slight chuckle, “you need to put recruiting information in hair salons, fitness centers and shopping centers where every single black woman I know goes at least once a week.”

A former prosecutor in the Dauphin County District Attorney’s office, criminal defense attorney Jenni Chavis suggested a different recruitment strategy.

She said she was amazed at hearing the difficulty the state police has in recruiting people of color but yet, “our society will go to the world’s end to recruit a black person who’s able to run fast and carry a ball but the same black child who has an able mind and capability and desire to serve is absolutely ignored.”

She encouraged police agencies to divert their recruitment resources to grooming children when they are elementary school age to become law enforcement officers.

Right now, finding anyone interested in a law enforcement career given the recent events isn’t easy, Paris said.

“This is an exceedingly difficult time to get anybody, I would submit, [who doesn’t] have a second thought about entering the law enforcement ranks. We feel that our traditionally underserved or diverse communities may be particularly impacted by that,” he said. “We believe we have to overcome some of those hurdles to get that diversity in our ranks and we’re fully committed to do that.”

**Investigating police misconduct and abuse**

Representatives of the state police troopers association said the governor’s creation of a deputy inspector general within the Office of Inspector General to investigate abuse amongst law enforcement agencies under the governor’s jurisdiction is unnecessary.

David Kennedy, president of the Pennsylvania State Troopers Association, said an exhaustive system within the department is already in place to investigate incidents of police misconduct. He said even anonymous complaints of abuse are investigated.

As for police-involved shootings, Paris said their process for investigating those complaints ensures transparency, thoroughness, and independence.

A team of troopers from a different station, along with an area and troop commanders, respond to the scene of an officer-involved shooting and often, the county district attorney or someone from that office is on hand to gather evidence to ensure a full investigation, Paris said.

He said on average, it is a team of at least 20 investigators who are called in to conduct those investigations. Along with it, internal affairs officers are called in as well.

“The investigation is not a closed silo. The investigation is, let’s get to the facts and find the evidence,” Paris said. “It’s a homicide investigation until it’s ruled a justifiable homicide. We take these very seriously.”

Since January 2018, he said the state police have investigated 80-plus officer-involved shootings with about 51 or 52 involving state police officers and the rest were cases involving municipal officers that local departments or DAs didn’t have the personnel to handle.

Paris went to great pains in describing how those investigations are handled and insisted there was no collusion. But in the eyes of Chavis, the law enforcement community is too tight-knit to ensure independence.

She urged lawmakers to consider crafting a policy such as the governor’s suggested citizen advisory panels that hands the review of those incidents to people in the community “who have a stake in the outcome who are able to give an unbiased opinion” about whether an officer’s actions were justified.

“I’m hoping that investigations of police misconduct and police shootings will not just be kept in the hands of district attorneys who are the same people who play on the golf league as the people who are accused or attend the weddings of the police officers, that they will not be the only ones responsible for making such determinations,” Chavis said.

The Senate committees next month plan to hold a hearing at the State Correctional Institution at Laurel Highlands to focus on issues involving corrections, probation and parole and other aspects of the criminal justice system.