

“Analyze the Police”: Reimagining Public Safety Through Data Collection in Pennsylvania

By Mary Yuengert

Introduction

“Defund the Police” has been a rallying cry for activists and community organizers across the United States in the wake of the death of George Floyd at the hands of Minneapolis police in May 2020. This call to action has prompted communities to reimagine current models of public safety and how to best administer them. However, if municipalities decide to reduce police budgets and reallocate funding toward other community services, they must do so efficiently and without risking violence, aggravating racial disparities, or imparting other unintended consequences.

The Center for Policing Equity (CPE), a think tank that uses data-driven approaches to address racial bias in policing, developed a roadmap for exploring more innovative and just approaches to public safety.¹ CPE suggests that the first step in addressing this issue is to collect better data on police activities. This would include cataloging public demand for safety in the form of 911, 211, 311, and 411 requests, as well as self-initiated police contacts such as vehicle and pedestrian stops. The idea behind this concept is that communities should be able to define public safety and how it should be enforced. If there is a severe divergence between what the public is requesting and what services the police are providing, then police are not adequately serving the community.

I propose implementing this first step of CPE’s roadmap in Pennsylvania by introducing a resolution (proposed resolution) in the General Assembly that tasks the Pennsylvania Commission on Crime and Delinquency (PCCD) with studying the potential implementation of a statewide database of the type of public safety information CPE suggests, housed with the Pennsylvania State Police (PSP).

¹ “Center for Policing Equity - Center for Policing Equity Releases Critical Steps for Exploring How Public Safety Resources Are Allocated,” accessed September 16, 2020, <https://policingequity.org/newsroom/press-releases/critical-steps-exploring-public-safety-resources-allocation>.

Legislative Status and Feasibility

Currently, police departments in Pennsylvania are required by federal law to report crime statistics to the Federal Bureau of Investigation, and under state law, information on vehicular pursuits to the PSP.² However, there is no statutory requirement to report information on day-to-day police activity. PSP acknowledges the purpose and benefits of reporting on vehicular pursuits: to “validate or refute the merits of pursuit policies and apprehension techniques, and recognize training successes and deficiencies.”³ This statement suggests that PSP recognizes the value of data collection and analysis in policy evaluation, and therefore may be open to the idea of a statewide database of all police activities. Because PSP already houses data on crime statistics and vehicular pursuits, it is logical for the proposed database to also be housed with PSP. PCCD should consider in its study the impact of requiring PSP to analyze these data and produce an annual report, as well as making this database available for public querying.

There was legislation before the General Assembly in the 2019-2020 legislative session related to police activity data collection. Senate Bill 459 (SB 459) would require all municipal police departments to conduct recordkeeping specifically of use-of-force incidents and report them to PSP.⁴ Under SB 459, PSP are then required to produce an annual report on all use-of-force incidents across the state.⁵ The bill was introduced in March 2019 in the wake of the killing of Antwon Rose, long before the racial justice protests relating to George Floyd.⁶ The bill sat in the Senate until June 2020, when the renewed urgency of the issue caused by nationwide protests made legislators more open to such legislation.⁷ While the bill was originally introduced as a use-of-force policy and training mandate, it evolved into a pure recordkeeping requirement. SB 459 passed the Senate unanimously on June 23, 2020 and was pending before the House

² “Home,” Pennsylvania State Police, accessed October 20, 2020, <https://www.psp.pa.gov:443/law-enforcement-services/Pages/default.aspx>.

³ “PA Police Pursuit Reporting System,” accessed October 20, 2020, <https://www.policepursuits.pa.gov/>.

⁴ Jay Costa, “Senate Bill 459,” (n.d.), <https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2019&sessInd=0&billBody=S&billTyp=B&billNbr=0459&pn=1817>.

⁵ Ibid.

⁶ Andrea Finney, “PA House Calling for Legislation Focusing on Police Reform, Improving Race Relations,” WHP, June 8, 2020, <https://local21news.com/news/local/pa-house-calling-for-legislation-focusing-on-police-reform-improving-race-relations>.

⁷ Ibid.

Judiciary Committee when the session ended.⁸ Although it did not make it out of committee in the House, the bipartisan success of SB 459 in the Senate demonstrates the potential for data collection as a way forward for police reform.

Models for Implementation

There are several existing models for how a statewide police activity database can look and be implemented. The primary example involves a bill that was passed in June 2020 by the Colorado State Legislature, Senate Bill 217 (CO SB 217). Under CO SB 217, a state agency is required to submit an annual report that includes all information reported to it by all law enforcement agencies across the state.⁹ The types of information contained in this annual report include: all use-of-force incidents that result in death or serious bodily injury, and all data relating to contacts conducted by police officers, including traffic and pedestrian stops.¹⁰ The data reported to the state agency is required to include demographic information of the subject of any police contact.¹¹ Addressing privacy concerns, the bill specifies that law enforcement agencies reporting this data shall not include personal identifying information of the subjects of these incidents or contacts.¹² Further, the bill requires that the state agency maintain a database of this information and publish the database in a searchable form on its website.¹³ Law enforcement agencies that fail to comply with these requirements are subject to suspension of funding.¹⁴

Legislation that provides for the creation of a statewide database in Pennsylvania could mirror CO SB 217. One additional specification PCCD should consider in any potential legislation is the omission of personal identifying information of law enforcement officers in the public database, other than a trivial identification number for purposes of aggregation or analysis. This aligns with the purpose of the database, which is to analyze the number and types of police-initiated contacts and how they diverge from public demands for safety. However, law

⁸ “Bill Information - Senate Bill 459; Regular Session 2019-2020,” The official website for the Pennsylvania General Assembly., accessed October 14, 2020, <https://www.legis.state.pa.us/CFDOCS/billInfo/BillInfo.cfm?year=2019&kind=0&body=S&type=B&bn=459>.

⁹ Leroy M. Garcia, “Senate Bill 20-217,” 2020, <https://leg.colorado.gov/bills/sb20-217>.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

enforcement agencies and PSP should have access to the information that corresponds with each identification number to further investigate certain incidents or take disciplinary action.

An additional model for PCCD to consider is a project called the Police Data Initiative, which serves as an accountability check for participating police departments across the country.¹⁵ Participation in the project is entirely optional—Pennsylvania departments currently participating include Pittsburgh, Philadelphia, Pitcairn, Norristown, and Central Bucks Regional.¹⁶ Departments can use their discretion to determine how much and what type of data to release to the public, and there are large discrepancies in the level of transparency across departments. For example, Philadelphia provides public data on vehicle and pedestrian stops, including information such as whether the person was searched or frisked, whether contraband was found, and demographic information. On the other hand, the Pittsburgh Police Department only chooses to release data on crime statistics, arrests, non-traffic citations, and 311 dispatches. This project provides a model for how these datasets can look when released to the public while maintaining the privacy of both officers and private citizens.

When thinking about funding, PCCD should consider CO SB 217, which appropriates \$617,500 for the upcoming fiscal year to fund the new requirements.¹⁷ This funding is distributed to the state agency responsible for producing the annual report and maintaining the public database.¹⁸ The appropriation is distributed from Colorado’s highway users tax fund.¹⁹ Any similar database implemented in Pennsylvania is not likely to require more than this amount of funding, since CO SB 217 specifies that most of the appropriation will go toward IT asset management.²⁰ Therefore, any legislation that establishes the database could be accompanied by an appropriation of approximately \$600,000 from the general fund.

Potential Political Allies and Opponents

There are several organizations that might support the proposed resolution for the PCCD to study this issue. The Pennsylvania Municipal League, an organization that advocates for

¹⁵ “Home,” Police Data Initiative, accessed October 20, 2020, <https://www.policedatainitiative.org/>.

¹⁶ “Participating Agencies,” Police Data Initiative, accessed October 20, 2020, <https://www.policedatainitiative.org/participating-agencies/>.

¹⁷ Leroy M. Garcia, “Senate Bill 20-217,” 2020, <https://leg.colorado.gov/bills/sb20-217>.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

effective local government, actively tracks police reform legislative measures and would be a prime candidate for support of this bill.²¹ Additionally, CPE may lend its support considering that its conceptual roadmap is being used as basis for the study.

It is likely that police unions and organizations would actively oppose this resolution or any legislation to create a statewide database out of privacy concerns for police officers. However, there is evidence in the example of SB 459 that police organizations may be shifting their views considering the growing calls for police reform. Senator Jay Costa, the prime sponsor of SB 459, indicated that the Fraternal Order of Police, though originally reluctant about the requirement to maintain a database of use-of-force incidents, seemed to now support the bill because of the current social justice movement.²² It is important to note, however, that SB 459 contains a provision that allows the Fraternal Order of Police and the Pennsylvania Chiefs of Police Association to consult with the PSP on the reporting mechanisms and procedures for reporting this data.²³ PCCD should consider that including such a provision in any future legislation on this issue gives police departments unlimited discretion in what data they report, which can block reform efforts.

The most important legislative champions for the proposed resolution will be current PCCD Commissioners: Senator Patrick Browne, Senator Vincent Hughes, Senator Wayne Langerholc, Jr., Representative Sheryl Delozier, and Representative Joe Petrarca.²⁴ These members represent both parties and both houses of the Assembly, and therefore should be able to rally support within their caucuses for the resolution.

Regarding party leadership, there is room to reach consensus, specifically among Republicans, by framing this resolution and the issue of police data collection as a matter of increased transparency and accountability rather than punishment for law enforcement. House Speaker Bryan Cutler expressed regarding HB 1841, a police reform bill, that “Ultimately, the issue is about trust, and taking steps to ensure all residents and all law enforcement are taking

²¹ “Police Reform Legislation,” The Pennsylvania Municipal League, accessed October 20, 2020, <https://www.pml.org/advocacy/police-reform-legislation/>.

²² Andrea Finney, “PA House Calling for Legislation Focusing on Police Reform, Improving Race Relations,” WHP, June 8, 2020, <https://local21news.com/news/local/pa-house-calling-for-legislation-focusing-on-police-reform-improving-race-relations>.

²³ Jay Costa, “Senate Bill 459,” 2020, <https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2019&sessInd=0&billBody=S&billTyp=B&billNbr=0459&pn=1817>

²⁴ “PCCD Commission Membership,” Pennsylvania Commission on Crime and Delinquency, accessed October 20, 2020, <https://www.pccd.pa.gov:443/AboutUs/Pages/CommissionMembership.aspx>.

strides to build trust...”²⁵ House Majority Leader Kerry Benninghoff also boasts as “ a longtime advocate for greater transparency,” and because he is a member of the Fraternal Order of Police, there may be potential to pivot his advocacy for greater transparency in government to greater transparency in other areas where taxpayer funds are concerned.²⁶ Similarly, Jake Corman, President pro tempore of the Senate, sees himself as a leader in transparency and accountability in government.²⁷ His previous role in granting SB 459 a floor vote indicates that this resolution and the issue at large may have his support as well.

Generally, it will be important to get police advocates and police organizations on board with this resolution. In Colorado, Democrats enjoy trifecta control of state government and did not need to build consensus or garner the support of law enforcement in enacting CO SB 217. However, with the current divided government in Pennsylvania, it will be necessary to get law enforcement and Republicans who advocate for them involved as allies if the resolution, and potentially legislation down the line, is to have a chance at passage.

Advocacy Strategy

By first proposing a resolution to study the issue of police data collection further, the path forward on this issue should be easier than trying to pass a legislative act. Because data collection and the management of a statewide database is such a technical issue, legislators should agree that initiating a study on the matter before writing legislation is beneficial to all parties involved.

It may be necessary before proposing the resolution, or as part of the PCCD’s study, to gather public opinion research on the issue of police data collection. In that effort, it would be important to learn what the public currently thinks of its police or law enforcement agency and what steps they would like to see taken to increase trust between the public and law enforcement. Additionally, for purposes of constructing the database, it would be helpful to know by what methods citizens typically request public assistance (211, 311, 411, 911, municipal website, etc.)

²⁵ “House Committee Votes to Strengthen Police, Community Relationships | PA House Majority Leader Bryan Cutler,” accessed October 20, 2020, <http://www.repcutler.com/News/17629/Latest-News/House-Committee-Votes-to-Strengthen-Police,-Community-Relationships->.

²⁶ “PA House Majority Leader - Meet Kerry Benninghoff,” accessed October 20, 2020, <http://www.kerrybenninghoff.com/about>.

²⁷ “Biography,” *Senator Jake Corman* (blog), accessed October 20, 2020, <https://www.senatorcorman.com/profile/>.

and whether they are typically satisfied with the response they get to a request for public assistance.

The narrative frame for the proposed resolution and the issue of police data collection generally is police transparency, accountability, and trust. The events of the past few years, which created the Black Lives Matter movement, represent a dissolution of trust between the public and law enforcement due to lack of accountability. Collecting data on ordinary police activities provides transparency in how taxpayer funds are being used, ensures accountability to the public, and, when compared to data on public requests for service, acts as a much-needed evaluation of police effectiveness in keeping communities safe.

Conclusion

To reimagine public safety, we first must know what public safety is and what communities want public safety to be. In gathering and analyzing data on public service requests and police contacts, Pennsylvania communities can make effective, evidence-based decisions about how best to fund their police departments and determine where additional funding is needed. Communities deserve to feel safe, protected, and heard, none of which can be accomplished without trust between the public and law enforcement. By passing the proposed resolution, Pennsylvania can take an important first step towards creating more effective public safety models for both law enforcement and communities.