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In Pa., a misguided attempt to protect police

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Police play a unique role in the community. They possess the awesome power to use violence against an individual to maintain public peace and safety.

How police use that power - and how some officers sometimes abuse it - is in the public interest to know. But the Pennsylvania legislature might make it harder to track incidents of potential abuse by officers and, in doing so, may undermine the public's trust in the police who serve it.

In November, the Pennsylvania House of Representatives overwhelmingly approved House Bill 1538, which would prevent government officials from releasing the names of officers under investigation for on-duty shootings or uses of force that do not result in criminal charges against the officers. The Senate version, S.B. 1061, adds criminal penalties against anyone who leaks such information to the press. Both of these bills are meant to further the "protection of law enforcement" by keeping involved officers anonymous.

Of course, officer safety is important. But there is scant evidence that specific police officers or their families - in Pennsylvania or elsewhere - have been targeted and harmed by criminals because they were named in use-of-force incidents. (While police officers have been the tragic victims of ambushes, including in Philadelphia, the indications are that officers are, as New York City Police Commissioner William Bratton said in 2014, "targeted for their uniform," not their actions.)

At best, these bills provide a remedy for something that has not been proven to be a problem. At worst, they protect officers with documented histories of violence and, ironically, give the majority of officers a bad rap.

Police officers are often justified in their use of force, deadly or otherwise. In some cases, officers may be commended for bravery for using force to keep communities safe in very dangerous situations. Except in extreme situations, it doesn't make sense to hide the names of officers who are doing their jobs responsibly and admirably. And it is hard to imagine a situation that justifies shielding the minority of officers who cross the line from public scrutiny.

Internal and criminal investigations are by their nature kept from the public eye, and for good reason. But the community should know if its public servants are under investigation for inappropriate violence and who they are. If one officer out of a thousand does something bad, but no one can say who he is, all officers fall under suspicion because the so-called bad apple is indistinguishable from everyone else.

As I testified before the U.S. Commission on Civil Rights last year, the data we have about large metropolitan police departments suggests that officers prone to inappropriate violence make up a small percentage of a large police force. But many of those officers have faced multiple allegations of excessive force or other indicators of violent misconduct.

One officer in Denver had 40 complaints filed against him, nearly half of which accused him of using "excessive force, using profane language, and threatening to arrest people for no reason," before he was removed from duty. Under the proposed Pennsylvania laws, an officer like the one in Colorado - who was also named in two excessive-force civil suits that cost the City of Denver more than \$1 million in settlements - could be protected from public scrutiny unless he is charged with a crime.

Current Pennsylvania law is bad enough as it is. Authorities already have the discretion to release or withhold the names of officers involved in use-of-force incidents. Without a timetable for release of officers' names, the process to get to the bottom of what happened can be a very lengthy one.

This is similar to the law in Virginia. In August 2013, John Geer was fatally shot by a Fairfax County, Va., police officer. Geer was unarmed at the time of the shooting, and it took authorities until January 2015 to name the officer responsible. That officer, Adam Torres, was fired in July 2015, was criminally charged for Geer's death one month later, and pleaded guilty to involuntary manslaughter in April.

All the officers at the scene of the shooting reported that Geer had his hands up when he was killed. Nevertheless, the county took 16 months to release Torres' name and even longer to fire him and finally secure a conviction. The legally sanctioned delay led at least one major media outlet to allege a police cover-up.

Law enforcement is a tough and demanding job. Officers should be held accountable for their actions not only to protect the community, but also so that most officers are not lumped in with the few who abuse their powers against the public.

H.B. 1538 and S.B. 1061 will not make police officers safer and will likely only put further stress on police-public relations. If the Pennsylvania legislature wants to make police safer, it should move in the opposite direction by making law enforcement more transparent and accountable to those it serves: the people of Pennsylvania.

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