

# **TESTIMONY**

Of

**CHIEF WILLIAM KELLY**

**Chief of Police, Abington Township**

And

**President, Pennsylvania Chiefs of Police Association**

Senate Judiciary Committee

Public Hearing On

Best Practices For Law Enforcement

April 28, 2015

College Hall 144/148 Montgomery County Community  
College

1313 Morris Road, Blue Bell, PA 19422

Good Morning, Chairman Greenleaf and members of this distinguished Committee.

My name is Bill Kelly; I am in my 30<sup>th</sup> year as Chief of Police in Abington Township. In case you do not know exactly where Abington is located....

I have a total of over 32 years as a Chief of Police and 43 years as a police officer serving in first in Ohio before I "wised up" and graduated to the Commonwealth of Pennsylvania, where I have stayed, ever since!

In addition, this year it is my privilege to serve as the President of the Pennsylvania Chiefs of Police Association and to represent the Law Enforcement Executives across our Commonwealth. On behalf of the Leaders of the more than 1,100 Law Enforcement agencies of all sizes across Pennsylvania, I want to thank you for allowing us to contribute here, today.

In your previous hearing in Allegheny County, and again today, there has been considerable discussion about body cameras. I have brought with me considerable information specifically about body cameras that we will leave for you after this Hearing. In addition, I have brought with me today an outstanding representative of the future of law enforcement from my Police Department, Sgt. Kevin Magee (or and Officer Ray Townsend.) He has done significant research into the body cams and body cam equipment and technology, and has led a group of our Officers who are testing various types of Body Cams. He brought a Body Cam with him and if any Committee members would like to talk to him, or inspect the equipment, he will be available to you, for as long as you like, after this Hearing.

In my original comments for this Committee, I prepared to speak about a number of positive programs that exemplify some of the "best practices" in our profession. But when I got home last night, I started to watch TV and saw the violence, chaos, destruction, anarchy and insanity that is going on in Baltimore and I realized that I

felt the same pain and sadness that I felt when I watched the events in Ferguson, Missouri. You remember Ferguson, right? That's where part of the town was destroyed after an evil, racist murderer cop gunned down an innocent youth who was surrendering with his hands up.

The only problem is that after several very thorough and independent investigations it turned out that virtually every aspect of the story so often repeated and embellished all across every news media in our Country was nothing but a lie. It turns out that Officer Wilson was neither a racist nor evil. There was substantial proof that the officer was attacked and assaulted by the youth who was not innocent, was not surrendering and did not, in fact, have his hands up.

Nonetheless, since then, a call has come from many sources encouraging police to wear body cams or, more precisely, for police to **be required** to wear body cams. In many respects, I guess this response is not surprising.

However, what truly **is** surprising is that at today's hearing, like the one in Allegheny County, police organizations have come before you and have agreed to accept the idea of wearing the cameras, provided that the Legislature removes the roadblocks for a reasonable implementation. I would not be surprised if some observers are asking themselves, "Why would the Police agree to do that?"

In fact, let me ask: Is there anyone else in this room that would agree to wear a body cam while they are working? I have a body cam with me today that I will loan to anyone who is willing to wear it for an entire work day with three stipulations that come directly from the folks who will be testifying right after I finish my presentation: 1.) you will turn it on for ALL interactions with others; 2.) that you be disciplined if you forget or fail to turn it on; 3.) that we and all members of the media have complete access to the complete tape, to insure complete "transparency." Is there anyone interested in taking up my offer?

What about other professions ... Do you think that any other profession would agree to this? What about the medical profession? Or Lawyers? Or Teachers? Or Elected Officials?

So I have to ask you: why are police officers willing to suffer this highly-intrusive, almost-demeaning demand? Why? Because they know that our profession is under attack. Our great profession is under a totally unfair, untrue, defamatory attack, just like Daren Wilson was. And they are very confident that with the cameras people will see what a tough, dangerous job the police officers have in a violent, dangerous world and what an outstanding job they routinely do.

Now before I go any further I want to make sure everyone understands that I am not finding fault with citizens who want justice for those in the Police profession who betray their oath, or betray the public trust. My colleagues and I completely agree with those citizens who want us to discipline, dismiss, or prosecute those rogue officers who deserve it!

And I am not finding fault with those who say that our profession must continually strive to eliminate mistakes and to perform even better, by having better policies, better training, better supervision, better equipment, and so on. We wholeheartedly agree with them, although we also know that many people are surprised when they have the opportunity to learn how far the police profession has come in the last decade or two!

But I **am** finding fault with the nationally-whispered narrative that repeatedly says that a significant number of America's law enforcement officers are brutal, corrupt, racist and regularly use unnecessary violence and force toward citizens. And I am objecting about the chants in the street that the men and women who risk their lives to daily protect human lives and American liberties are really the enemy of the very people that they are protecting.

And I am saying that it is time for law enforcement leaders to step up and to start explaining to the public why police officers must use force – even deadly force – on a surprisingly regular basis to protect innocent, law-abiding citizens and their families from the

horribly violent element that is so pervasive in our society.

And, finally, I am saying that it is time for law enforcement leaders to explain to the Public the compelling argument that Law Enforcement Officers almost certainly have the most dangerous and the most difficult job in our Society, today.

Here are the facts to support that argument:

The number of guns in the US is unprecedented across the World. It is estimated that there are 283 million guns in civilian hands in the US.

And, every year, about 30,000 citizens are killed in the US by a firearm and about 73,000 are treated in hospitals for gunshot wounds!

Into this environment of guns and violence the police attempt to deal with the crime. How much crime? Well, in 2013 there were over **9.7 Million Crimes** reported to Police in the US, including **1.2 million violent crimes**.

As a result, law enforcement made over **11, 300,000 arrests (yes, that's 11.3 million!)** including **480,000 for violent crimes**. Please take a moment to allow those numbers give context to the difficult job of policing and the incredibly large number of **"arrest interactions."** Is there anyone in America that is so naïve as to believe that police can arrest over 11 million people a year, including nearly half a million violent criminals, over 14,000 murderers, and the most hateful, angry, mean, and violent people in the US without some violent clashes?

These numbers help explain why, each year, over 58,000 police officers are assaulted doing their duties – that is one officer out of 15 assaulted each year! And of those, 2,000 are assaulted by a gun. And each year, over 16,000 officers are injured, and 146 officers are killed in the line of duty! Police officers are risking getting hurt – or worse – to engage, arrest and prosecute those violent criminals who otherwise would be preying on the weak and continue to put our families in fear and danger.

In Pennsylvania: during 2013, 2243 Police Officers were assaulted, a 35 % decrease from the 3435 injured in 2009 in Pennsylvania. And what about Pennsylvania Police Officers killed in the line of duty? How many can you recall over the last five years? If you are surprised that you did not realize that there have been 14 Pennsylvania Police Officers killed in the line of duty over the 5 years from 2009 and 2013, you are not alone. In fact, how many of the 14 can you remember? Now please ask yourself one more question: how much attention was given to the death of these heroes of our State compared to the endless attention given to the deaths of Trayvon Martin, Michael Brown, or Eric Garner? In that comparison you are starting to see why the public's perception of Police/Public interactions is so skewed and inaccurate.

But real policing is not what you see on TV, and not what most people picture. Police officers see the ugliest situations in our society and deal with the biggest, "baddest," most violent criminals, including the homicidal, the suicidal, the criminally insane, the mentally-deranged, the emotionally unbalanced, the drug-addicted, and the most desperate and anti-social members of our Society. All too frequently, Policing is a violent, dirty, scary, ugly, and extremely dangerous job. The reality is that sometimes there is no "genteel" way to arrest a big, bad, violent ex-convict that is determined that you are **not** going to take them back to jail. Things are going to get very violent and very dangerous, very quickly!

Just look at the facts and it is clear to see – law enforcement is doing an extremely difficult and dangerous job in an extremely armed and violent society. It is **inevitable** that people – sometimes officers and sometimes those they are trying to arrest – get injured and killed during these violent interactions. It is not because police officers initiate unnecessary violence; it is because doing the job of protecting the innocent, law-abiding citizens sometimes puts the officers between those citizens and the violent criminal element that police are paid to keep away from the innocent and law-abiding. And the only way that the officer will be able to keep the violent criminal element from getting to the innocent to victimize them is to meet force and violence with even greater force and violence.

But how well are Law Enforcement and our Criminal Justice system doing at their main job, fighting crime and protecting honest citizens? The facts are surprising and compelling.

For the 3 decades between 1960 and 1990, the U.S. Population grew at a rate of about 12.9% for each of the 3 decades and crime soared in this country with murder going up by 84.3% and violent crime going up by a staggering 455%!

Then, in the 1990's, a number of innovations were introduced to Law Enforcement and Criminal Justice, and while the Country's population continued to grow at about the same pace (12.2% per decade), by 2010 Violent Crime was actually cut by 44.7% and Homicides were cut almost in half, dropping 48.9%!

And, as a result, in 2013, 9,244 less murders occurred than in than in 1990! Over that time period the likelihood of you or a family member becoming a victim of a violent crime went down by an astounding 50%! And those violent crime decreases crossed all strata of U.S. citizens regardless of race, age, or economic status.

The bottom line is clear and compelling: over the last 20 years, our criminal justice system has done an outstanding job at its main goal: protecting the citizenry from crime, especially violent crime. But achieving that goal has not been easy and has not occurred without many police officers being assaulted, injured, and even killed. The "price" to Law enforcement to achieve that successful 20 year period: about 1.2 Million officers assaulted; 320,000 officers injured; and nearly 3,000 police officers killed in the line of duty!

The successes of our Criminal Justice system have truly been earned by the price paid by America's Law Enforcement Officers – holders of what I consider America's toughest and most dangerous job!

Again, on behalf of Law Enforcement Executives across Pennsylvania, I thank you for the opportunity to present here today!

## **Toughest Job in America?**

Every hour of every day, in all kinds of weather and conditions, in the blazing sunlight and the darkest of nights, in the scariest places in America, they go where few others dare to go, handle what most are afraid to confront, run toward trouble while others run away, and deal with the very worst people in our society so that law-abiding Americans, and their families, can live in peace and safety. They are America's Professional Police Officers. They likely have "the toughest, most dangerous job in America."

In a country with over 283,000,000 guns, and that has about 1.2 million violent crimes and 15,000 American citizens killed by other American citizens each year, is there anyone so naïve to think that the police are not constantly worried about their own safety as they try to protect the law-abiding citizens from the one million Americans committing violent crimes each year?

And, when all else fails, they must try to arrest the biggest, "baddest," meanest, most violent criminals in the US without using "too much" force, without being violent, and without feeling that searing fear that they may become one of the 59, 000 police officers assaulted each year, or among the 16,000 officers injured each year, or the more than 140 police officers killed each year and will never return home to their loved ones.

Does anyone think that the violent interactions that sometimes occur during the over 11 million police arrests each year can occur without someone occasionally getting injured? Or do we expect Police Officers to do the job in a way that only they get injured or killed? And under these adverse conditions, and with a minimum of information, they are required to make nearly-impossible, split-second, life-and-death decisions that will be scrutinized, dissected, and criticized for weeks or months or even years in the comfort of a newsroom, a courtroom, a classroom, or even a "Committee Room."



Is there anyone who thinks that any human can do this job without mistakes or misjudgments, or without somebody getting injured, occasionally? Is there anyone that wants to argue with the statement: "being a Police Officer is the toughest, most dangerous job in America, today?"