

Testimony of Kelley B. Hodge, Esq.
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Before the Joint Hearing of the
Pennsylvania Senate Judiciary and Law and Justice Committee
On

**Ensuring Accountability and Equality in Law Enforcement and the Criminal
Justice System**

June 18, 2020

Good Morning, Chair Baker, Farnese, Stefano and Brewster, and members of the Senate Judiciary Committee and the Law and Justice Committee. My name is Kelley Hodge and I am currently a partner at the law firm of Fox Rothschild LLP in Philadelphia. I am also the former 25th District Attorney of Philadelphia elected to serve by the Board of Judges of the First Judicial District in 2017. I am the first African American woman to serve as District Attorney in the City of Philadelphia and this Commonwealth.

First, I want to thank the Chair and members of the Committees for inviting me to testify before you today. I am pleased to share with you my observations, experiences and recommendations on the focus of this two day hearing – **Ensuring Accountability and Equality in Law Enforcement and the Criminal Justice System**. Following my testimony and that of my fellow panelists, I welcome answering the Senator’s questions to assist in this effort to seek candid responses and bring about lasting change in large systems with deeply entrenched cultures.

First, by way of very brief background, I believe that sharing a bit more about my past professional experience will hopefully add helpful context as to the basis for my comments this morning. Focusing on my work in criminal justice, I have practiced law for over twenty years with the first fourteen (14) years of my career in court on almost a daily basis—first as a public defender in Richmond, Virginia and then, after relocating to Philadelphia, as an Assistant District Attorney in the Philadelphia District Attorney’s office. I have spent most, if not all of my career, engaged in some way with the criminal justice system either as a practitioner or as an advisor on drafting policy or enforcement on subject matters related to crime, criminal justice, public or school safety. My professional experiences have shaped, in part, the lens I used to do my job. My personal experiences as an African American woman, daughter to African American parents, mother to a twelve (12) year old African American child (son) and married to an African American man have shaped the other part of my lens that I used to do my work as well. I am a proud mixture of a wealth of opportunities and experiences which has afforded me the ability to testify before you this morning and provide my insight.

When considering the scope and purpose of this hearing, it is an enormous task that has been outlined by the committees to work towards “*Ensuring accountability and equality in law enforcement and the criminal justice system.*” Attempting to address a portion of this title could warrant days of

testimony. I know is not possible at this moment as the time to act is of the essence. Additionally, the time to have this conversation and, moreover, conduct hearing such as this is beyond ripe. What was witnessed on May 25, 2020 when George Floyd was pinned underneath the knee of an officer that swore to protect and serve was jarring, gut-wrenching and deplorable. The events that have transpired since witnessing the heinous killing of George Floyd have amplified the need for swift legislative action. Citizens across the country are demanding it. Black lives DO matter and the need to restore respect and dignity for human life, but particularly Black lives, is urgent. Black people are literally dying in the streets.

The question presented by the Committees is how do we ensure accountability and equality in law enforcement and the criminal justice system. But before attempting to provide answers to that question, it is necessary to ask why is this question being asked. What has gotten us here to this point? This question is being asked because the trust of the community in law enforcement and the criminal justice system has been eroding for years and is nearly extinguished if not lost entirely in communities around this Commonwealth at this point in time. I will offer my recommendations and presume that they are not unique but complement or restate what you may have heard or will hear from others.

- Evaluate the current criterion for what is needed to become a police officer and revise standards to ensure that the mental fitness,

maturity and judgment are properly assessed in the recruitment, screening and hiring of police officers

- **Create or improve training on implicit bias and racism**
- **Incentivize accountability by dismantling barriers to taking timely and appropriate action to address police misconduct.**
- **Review police union contracts, identify the barriers to implementing reforms.**
- **Review all current law enforcement policy, protocols and/or training materials. Create a list or commission of experts who are able to provide consistent training and continuing education.**
- **Promote transparency at every level of the criminal justice system**
- **Defer to the Attorney General the authority to appoint a special prosecutor in cases where deadly force is used**
- **Improve training on de-escalation techniques and permissible use of force**
- **Create an independent oversight committee or commission that reviews allegations of misconduct by law enforcement**
- **Create a concrete plan to develop relationships with the community and/or adopt a community policing model**
- **Educate the community on the role and purpose of law enforcement**
- **Collect, publish and instruct on the statewide data regarding racial and ethnic disparities in contact with law enforcement and the**

criminal justice system. Compare with Bureau of Justice Statistics national data, identify trends and take action to remedy identified issues

In closing, I expect that this hearing is a beginning to what will be a series of lengthy discussions and debates over how to best address what has been known by many in this Commonwealth and across the country for decades which is the disease of systemic racism in our society, and more specifically in the criminal justice system and how it has negatively and disproportionately impacted black and brown people. The killing of George Floyd forced many to see in this country what Black people have seen and experienced for decades by looking at the world through our lens for 8 minutes and 46 seconds. The Committees must craft legislation that seeks to restore integrity and the public's confidence in the criminal justice system. This will require a firm commitment to training, collaboration and compromise that will support

- Accountability**
- Transparency**
- Training**
- Honesty**
- Respect**

Again, thank you for allowing me to testify before the members of the Committees. I hope that what I have shared this morning has provided insight and information that is deemed valuable and beneficial as you look to implement systematic change to dismantle systemic inequities.