

**TESTIMONY OF
HOMER C. FLOYD, EXECUTIVE DIRECTOR
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

REGARDING HOUSE BILL 2620, P.N. 3598

**BEFORE THE
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE**

JULY 16, 1998

GOOD MORNING.

~~HOMER C. FLOYD~~, EXECUTIVE DIRECTOR
OF THE PENNSYLVANIA HUMAN RELATIONS
COMMISSION COULD NOT BE HERE TODAY. MY
NAME IS LOUISE ONCLEY, AND I AM MR. FLOYD'S
SPECIAL ASSISTANT. WITH ME TODAY ARE
ELISABETH S. SHUSTER, OUR CHIEF COUNSEL AND
CARL H. SUMMERSON, OUR SUPERVISING HEARING
EXAMINER, WHO HAS WORKED EXTENSIVELY ON
POLICE TRAINING ON INTERGROUP ISSUES. I WILL
PRESENT MR. FLOYD'S TESTIMONY, THEN WE
ARE ALL AVAILABLE TO ANSWER ANY QUESTIONS
YOU MAY HAVE.

TESTIMONY OF HOMER C. FLOYD

THE PENNSYLVANIA HUMAN RELATIONS COMMISSION (PHRC) IS HERE TODAY TO SUPPORT HOUSE BILL 2620. PHRC IS THE STATE AGENCY WHICH ENFORCES STATE LAWS PROHIBITING DISCRIMINATION BASED ON RACE, COLOR, RELIGIOUS CREED, ANCESTRY, NATIONAL ORIGIN, SEX, AGE, DISABILITY, AND SEVERAL OTHER FACTORS. THESE LAWS COVER EMPLOYMENT, HOUSING AND COMMERCIAL PROPERTY, EDUCATION, AND PUBLIC ACCOMMODATIONS, WHICH INCLUDES GOVERNMENT SERVICES.

IN ADDITION TO ADDRESSING COMPLAINTS OF DISCRIMINATION, WE PROVIDE RECOMMENDATIONS AND ASSISTANCE TO PROMOTE VOLUNTARY COMPLIANCE WITH THE LAW, ADDRESS INTERGROUP TENSION, AND FOSTER POSITIVE INTERGROUP RELATIONS.

OVER THE YEARS, WE HAVE WORKED CLOSELY WITH BOTH STATE AND LOCAL POLICE ON A VARIETY OF INTERGROUP RELATIONS ISSUES. PRIOR TO 1993, WHEN ETHNIC INTIMIDATION TRAINING BECAME MANDATORY, PHRC STAFF PARTICIPATED IN 30 TO 35 TRAINING WORKSHOPS EACH YEAR FOR POLICE, CORRECTIONS OFFICERS AND OTHER SECURITY PERSONNEL REGARDING THE ETHNIC INTIMIDATION ACT AND CULTURAL AWARENESS ISSUES. SINCE

1993, WE HAVE PARTICIPATED IN OVER 80 SUCH TRAINING WORKSHOPS. PHRC STAFF, ALONG WITH STAFF OF THE STATE POLICE, CONDUCTS NUMEROUS SESSIONS FOR COMMUNITY GROUPS, WHICH LOCAL POLICE ALSO ATTEND.

WE ALSO WERE INVITED TO ASSIST IN DEVELOPING THE MUNICIPAL POLICE OFFICERS EDUCATION AND TRAINING COMMISSION CURRICULUM FOR THE MANDATORY ETHNIC INTIMIDATION TRAINING CONDUCTED IN 1993, AND PARTICIPATED IN THE TRAINING FOR TRAINERS. IN 1995, WE WERE INVITED BACK TO ASSIST IN THE DEVELOPMENT OF MANDATORY DIVERSITY TRAINING AND TO ASSIST IN TRAINING TRAINERS FOR THAT PROGRAM.

HOUSE BILL 2620 IS A COMMON SENSE BILL. IF ADOPTED, IT WOULD REQUIRE THE MUNICIPAL POLICE OFFICERS EDUCATION AND TRAINING COMMISSION TO PROVIDE MANDATORY TRAINING TO LOCAL POLICE TO ENHANCE THEIR ABILITY TO RECOGNIZE AND MORE APPROPRIATELY RESPOND TO PEOPLE WITH DISABILITIES. H.B. 2620 REQUIRES CONSULTATION WITH THE PHRC AND PRIVATE SECTOR ORGANIZATIONS WITH SPECIAL EXPERTISE IN VARIOUS DISABILITIES IN THE DEVELOPMENT OF THIS CURRICULUM. PHRC HAS THE EXPERIENCE AND WILLINGNESS TO PROVIDE THIS CONSULTATION.

POTENTIAL PROBLEMS BETWEEN POLICE AND PEOPLE WITH DISABILITIES MAY OCCUR IN A VARIETY OF SITUATIONS. A PERSON WITH A DISABILITY MAY BE STOPPED BY POLICE AS A SUSPECT, OR MAY BE A

**VICTIM OF A CRIME, A WITNESS TO A CRIME, OR
SIMPLY A PERSON NEEDING SOME POLICE
ASSISTANCE. MISUNDERSTANDINGS RELATED TO A
PERSON'S DISABILITY CAN CAUSE AT THE LEAST,
FAILURE TO PROVIDE APPROPRIATE SERVICE.
ROUTINE SITUATIONS HAVE BEEN KNOWN TO
DETERIORATE INTO AN UNJUSTIFIED ARREST, INJURY,
AND IN EXTREME CIRCUMSTANCES, POTENTIALLY
DEATH. WHILE PHRC DOES NOT BELIEVE THAT WE
HAVE ENFORCEMENT JURISDICTION IN MATTERS
INCIDENT TO ARREST, WE DO, UNDER OUR PUBLIC
ACCOMMODATIONS PROVISIONS, HAVE
JURISDICTION OVER OTHER POLICE SERVICES, AND
WE DO ACCEPT COMPLAINTS ALLEGING
DISCRIMINATION IN THE PROVISION OF POLICE
SERVICES.**

IT IS ESPECIALLY IMPORTANT FOR POLICE TO BE CONSCIOUS OF THE FACT THAT THEY MAY BE DEALING WITH PEOPLE WITH DISABILITIES. OFTEN, OFFICERS MUST MAKE RAPID DECISIONS IN THE FIELD. IS THE RUNNING MAN WHO DOES NOT STOP WHEN POLICE YELL, "STOP" A FLEEING FELON OR A DEAF JOGGER? IS THE WOMAN WEAVING, AS SHE WALKS DOWN THE STREET, DRUNK, OR DOES SHE HAVE A DISABILITY WHICH IMPAIRS WALKING? WE ANTICIPATE THAT OTHER SPEAKERS TODAY WILL HAVE SPECIFIC EXAMPLES OF SITUATIONS WHICH WOULD HAVE BEEN MORE POSITIVE FOR ALL CONCERNED HAD A POLICE OFFICER BETTER UNDERSTOOD AN INDIVIDUAL'S PARTICULAR DISABILITY. IT IS CLEAR THAT WHEN POLICE ARE PREPARED AND AWARE OF DISABILITIES, MANY

PROBLEMS COULD BE AVOIDED.

THE PURPOSE OF THIS TRAINING WOULD NOT BE TO MAKE POLICE OFFICERS EXPERT IN THE DIAGNOSIS

OF DISABILITIES. RATHER, IT COULD ASSIST THEM IN EVALUATING WHETHER THEY MIGHT BE DEALING WITH A PERSON WITH A DISABILITY, AND PROVIDE SOME BASIC GUIDANCE ON APPROPRIATE ACTION.

OFTEN, FAILURE BY POLICE TO DEAL APPROPRIATELY WITH PEOPLE WITH DISABILITIES RESULTS IN LITIGATION DIRECTED AGAINST POLICE DEPARTMENTS. EVEN IF THE POLICE ULTIMATELY WIN THE CASE, LITIGATION ITSELF IS COSTLY AND DISRUPTIVE.

POLICE, LIKE OTHER GOVERNMENT AGENCIES, ALSO HAVE A DUTY UNDER THE PENNSYLVANIA

HUMAN RELATIONS ACT (PHRA) AND THE FEDERAL AMERICAN WITH DISABILITIES ACT (ADA) TO PROVIDE NON-DISCRIMINATORY SERVICES TO PEOPLE WITH DISABILITIES AND TO MAKE THEIR SERVICES ACCESSIBLE FOR PEOPLE WITH DISABILITIES, INCLUDING MAKING REASONABLE ACCOMMODATIONS. THE PROPOSED TRAINING COULD HELP PREVENT ACTIONS WHICH ARE VIOLATIVE OF THE PHRA AND THE ADA.

WE BELIEVE THAT THE TRAINING CONTEMPLATED BY HOUSE BILL 2620 WOULD BE OF SIGNIFICANT BENEFIT BOTH FOR PEOPLE WITH DISABILITIES AND FOR POLICE OFFICERS.

THE PHRC DOES RECOMMEND A CHANGE IN THE LANGUAGE OF THE BILL. SECTION 1.(b) (ON PAGE 3, LINES 3-8) LISTS ORGANIZATIONS WHICH SHOULD BE

CONSULTED IN DEVELOPMENT OF THE CURRICULUM. WE RECOMMEND ADDING ORGANIZATIONS WHICH REPRESENT PEOPLE WITH A VARIETY OF DISABILITIES AND WHOSE MEMBERSHIP IS COMPOSED OF PEOPLE WITH DISABILITIES. EXAMPLES OF SUCH ORGANIZATIONS ARE THE STATEWIDE INDEPENDENT LIVING COUNCIL AND THE PENNSYLVANIA COALITION OF CITIZENS WITH DISABILITIES. INCLUSION OF THESE ORGANIZATIONS WOULD HELP TO ASSURE THAT SPECIFIC DISABILITIES NOT COVERED BY THE LISTED ORGANIZATIONS DO NOT "FALL THROUGH THE CRACKS" AS WELL AS TO ASSURE THE INCLUSION OF THE VALUABLE PERSPECTIVES AND EXPERIENCES OF PEOPLE WHO HAVE DISABILITIES. INCLUSION OF THESE ORGANIZATIONS MAY ALSO

**RESULT IN GREATER AWARENESS BY THE DISABILITY
COMMUNITY OF WHAT THEY CAN DO TO FOSTER
POSITIVE RELATIONSHIPS WITH THE POLICE.**

**WE THANK YOU FOR THE OPPORTUNITY TO
TESTIFY AND URGE YOUR SUPPORT OF HOUSE BILL
2620. WE WOULD BE GLAD TO ANSWER ANY
QUESTIONS YOU MAY HAVE.**

Public Hearing, House Bill 2620, July 16, 1998

Reference: Statement Of Doris Washington
on behalf of son, (John Washington)
regarding December, 1993 Police Incident

My name is Doris Washington, and I am my son's advocate. I am a member of the Autism Society Of America. I am also a member of ARC Of Dauphin County, where I am on the Governors Affairs Committee. Five years ago, in December, 1993, an incident occured, involving my autistic son and two police officers. My son was playing outside his front yard, when the two officers approached him for peeking in a window of his own home. The two officers did not recognize my son's disability.

When I got outside, I witnessed seeing the two officers holding my son on the ground in my front yard. My son was laying face up on his back, handcuffed, and as a result of this incident, my son suffered a seperated shoulder. If the two officers had recognized the behavior characteristics of my son's disability, this incident would not have occured. It is apparent, as a result of such incidents as my son's, there is a need of education and training on how law enforcement are to recognize persons with various types of disabilities, such as: autism, mental retardation, alzheimer's, epilepsy, and all other developmental disabilities.

Through proper training, autism like other disabilities, can be easily recognized by police officers, with such behavior characteristics, as an appearance of deafness-they may walk away, and not respond vocally, while a person is communicating to them. Persons with autism, have a hard time communicating with others, whereas there is a deficiency in non verbal and verbal communication and social intereaction-they can not hold a conversation with others, and in some cases they can not speak. Persons with autism, can resist any change in routine-they can be over anxious, and verbally repititious. There are nearly 400,000 autistic persons in the U.S. today. It is more common than Down Syndrome. Autism is the third most common developmental disability.

There are more persons with disabilities living in our communities now. This Bill will provide imput from organizations such as: The Autism Society Of America, Epilepsy Foundation, The Alzheimer's Association, along with other organizations, to insure that proper training for law enforcement to be better informed and aware of disabled citizens, who live in their communities. Thank You.