

B.R.2021-2

SUPPORT FOR AMENDING PA ACT 111 OF 1968: POLICEMEN AND FIREMEN COLLECTIVE BARGAINING ACT

STUDENT GOVERNMENT BOARD UNIVERSITY OF PITTSBURGH

AUTHORED BY: Board Member Kathryn Fleisher and Board Member Annalise Abraham
CO-SPONSORED BY: Vice President and Chief of Cabinet Tyler Viljaste

10 NOVEMBER 2020

Board Member Abraham introduced the following resolution; which was read for the first time.

~~17 NOVEMBER 2020~~

~~Read the second time and voted on.~~

A RESOLUTION

SUPPORTING THE AMENDMENT OF PENNSYLVANIA ACT 111

1 WHEREAS, throughout the summer and fall of 2020, the Black Lives Matter
2 movement in the United States has taken center stage as Americans are
3 being forced to reckon with the reality of police violence and the racist history
4 of policing in America following the tragic murders of George Floyd, Ahmaud
5 Arbery, Breonna Taylor, and far too many others; and,
6 WHEREAS, there have only been 14 days to date in 2020 where police have not
7 killed someone in the United States¹; and,
8 WHEREAS, unarmed Black civilians are nearly five times more likely to be shot
9 and killed by police than unarmed white civilians²; and,
10 WHEREAS, the Fraternal Order of Police (FOP) — an American law enforcement
11 union consisting of 2,200 local chapters — is known to protect, defend, and
12 support the re-hiring of law enforcement agents with histories of misconduct,
13 abuse, and violence³; and,
14 WHEREAS, the FOP is well-documented³ to have directly contributed to the
15 aforementioned rates of police violence by protecting police officers who have
16 behaved inappropriately, offensively, or violently; and,
17 WHEREAS, Pennsylvania’s Act 111 of 1968⁴ enables the FOP to bring officer
18 misconduct cases to private arbitration where a single third-party arbitrator
19 judges the case and often rules in favor of the FOP; and,

¹ <https://mappingpoliceviolence.org/>

² <https://giffords.org/issues/police-shootings/>

³ <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses>

⁴ <https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/uconsCheck.cfm?txtType=HTM&yr=1968&sessInd=0&smthLwInd=0&act=0111>

20 WHEREAS, through said arbitration process, Pennsylvania’s Act 111 of 1968
21 protects police officers with disciplinary records from facing repercussions for
22 their actions or being held criminally or civilly for their wrongdoing; and,
23 WHEREAS, a report by *The Philadelphia Inquirer*⁵ analyzing 170 Philadelphia
24 cases of police misconduct from 2011 to 2019 found that police discipline was
25 overturned or reduced in arbitration about 70% of the time; and
26 WHEREAS, Pennsylvania State Representatives Bullock, Rabb, and Wheatley
27 introduced legislation (HB 2602)⁶ in the 2019-2020 legislative session of the
28 Pennsylvania State House to amend Act 111 in a manner that would end
29 allowances for the FOP’s private arbitration processes; and
30 WHEREAS, the Act 111 amendment brought by State Representatives Bullock,
31 Rabb, and Wheatley would usher in new accountability and transparency
32 standards for police in an attempt to prevent police departments from
33 reinstating officers who have been fired or otherwise punished for
34 misconduct, abuse, or violence; and,
35 WHEREAS, the Act 111 amendment would not impact the ability of other public
36 servants such as firefighters, EMTs, and other first responders to unionize
37 and utilize collective bargaining; and,
38 WHEREAS, on July 14, 2020, Pennsylvania Governor Tom Wolf signed Act 57 of

⁵ https://www.phillytrib.com/changes-to-police-arbitration-sought/article_23169f51-d653-5721-9334-0baca35f058d.html

⁶ <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=H&type=B&bn\=2602>

39 2020⁷ into law, establishing a statewide database of law enforcement officers
40 with disciplinary records to be utilized by hiring police departments to avoid
41 hiring back officers with records of misconduct, abuse, and violence; and,

42 WHEREAS, the private arbitration process established through Act 111 may limit
43 the effectiveness of this statewide database, since problematic officers may
44 not be publicly cited, reprimanded, or charged, and therefore would not get
45 added to the database; and,

46 WHEREAS, Antwon Rose II, an unarmed, seventeen-year-old Black boy, was
47 murdered in 2018 by East Pittsburgh police officer (and former Pitt Police
48 officer) Michael Rosfield, who was hired by the East Pittsburgh police despite
49 a history of previous misconduct and racist behavior; and,

50 WHEREAS, Student Government Board endorses and actively supports the
51 University of Pittsburgh Black Senate demands released during the summer
52 of 2020, which, among other actions, calls upon Pitt Police to take concrete
53 steps to become more transparent, more accountable, and less militarized;
54 and,

55 WHEREAS, in meetings with Student Government Board and Black Senate
56 leaders, James Loftus, Chief of Pitt Police, has publicly committed to hosting
57 regular meetings with student leaders to discuss how to improve relations
58 between the Pitt Police and the Pitt community; and,

59 WHEREAS, the City of Pittsburgh recently convened and commissioned a report

⁷<https://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2020&sessInd=0&smthLwInd=0&act=57>

60 from the Pittsburgh Community Taskforce for Police Reform wherein the
61 taskforce explicitly recommended (among other things) that the “Municipal
62 Police Officers Education and Training Commission (MPOETC) exercise its
63 authority to more frequently revoke licenses for certain types of misconduct;
64 expand the PA Confidential Law Enforcement Act to require termination for
65 non-felony misconduct; and amend Act 111 to include a public policy
66 exception to enforcement of arbitration awards”; and,

67 WHEREAS, no information is currently available (neither publicly nor by request)
68 for University community members to review disciplinary records of Pitt
69 Police officers; and,

70 WHEREAS, there are currently no processes for University community members to
71 raise concerns about Pitt Police officer misconduct in a public and
72 transparent manner; and,

73 WHEREAS, the Pitt Police’s union — the Pitt Police Association (PPA) — is
74 protected under the current iteration of Act 111, allowing for private
75 arbitration of officer misconduct and not requiring any public record of such
76 misconduct or arbitration; and,

77 WHEREAS, the University of Pittsburgh, as an institution, is currently being
78 presented with the opportunity to step up and become a national leader in
79 anti-racist higher education and become more transparent and directly
80 accountable to the University community; *now, therefore, be it*

81 RESOLVED, that the Student Government Board of the University of Pittsburgh
82 endorses and supports the Act 111 amendment (HB 2602) brought by

83 Pennsylvania State Representatives Bullock, Rabb, and Wheatley in the
84 Pennsylvania State House; *and be it further*

85 RESOLVED, that the Student Government Board of the University of Pittsburgh
86 calls upon University leadership to publicly endorse and support the
87 aforementioned Act 111 amendment; *and be it further*

88 RESOLVED, that the Student Government Board of the University of Pittsburgh
89 calls upon Pitt Police, generally, and the Pitt Police Association, specifically,
90 to publicly endorse and support the aforementioned Act 111 Amendment; *and*
91 *be it further*

92 RESOLVED, that the Student Government Board of the University of Pittsburgh
93 calls upon Pitt Police to author and release a public report (within the realm
94 of the law; i.e. by using anonymized data) to the student body regarding:

95 1. Officer misconduct previously handled via private arbitration covered under
96 Act 111;

97 2. Whether Pitt Police have access to the police accountability database
98 established in Act 57 of 2020, and, if so, how the department currently uses
99 the database;

100 a. And, if the Pitt Police does not currently have access to the Act 57-
101 established database, how the department plans to gain access to and
102 utilize the database in the future; and; *and be it further*

103

104 RESOLVED, that the Student Government Board of the University of Pittsburgh

105 calls on all other Pennsylvania college and university student governments to

106 endorse the Act 111 amendment and take up issues of police accountability
107 and transparency on their respective campuses; *and be it finally*
108 RESOLVED, that this resolution shall be effective immediately upon adoption and
109 shall reflect the changes shown in the attached opinion of the Student
110 Government Board.

111 ~~ADOPTED: this 17th day of November in the year 2020, by a vote~~
112 ~~of [#] for, [#] against, and [#] abstentions.~~

Eric Macadangdang, President
University of Pittsburgh Student Government Board