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MEMORANDUM

TO: The House of Representatives of Pennsylvania

FROM: Andy Hoover, Legislative Director, ACLU of PA

DATE: January 13, 2014

RE: **SUPPORT FOR HOUSE BILL 1796**

This week it is likely that the House will consider House Bill 1796. This legislation provides protection for victims of crime by prohibiting municipalities from passing ordinances that penalize people for exercising their First Amendment right to call emergency authorities. The hallmark of law enforcement and emergency assistance is to provide for the safety and security of citizens. House Bill 1796 further promotes those goals. The American Civil Liberties Union of Pennsylvania supports HB 1796, and on behalf of the 20,000 members of the ACLU of Pennsylvania, I respectfully urge you to vote “yes” on this bill.

Cities and towns throughout the Commonwealth want safer communities and citizens who are willing and able to help one another in times of need. House Bill 1796 protects people’s First Amendment right to petition the government and call for help to report a crime or when health and safety is at risk. People should be able to request emergency or police assistance free from fear of consequences. Twenty-three cities¹ throughout the Commonwealth subject landlords and residents to fines, eviction, and other penalties for calling police more than once from their residences. In the Borough of Norristown, the municipality enacted a three-strikes policy where tenants can be evicted for calling the police three times, thereby abridging their right to communicate with law enforcement from their own homes.

The ACLU of Pennsylvania is currently representing Lakisha Briggs,² a domestic violence survivor and single mother of two children, in challenging Norristown’s three-strikes nuisance ordinances. The Norristown ordinance provided that landlords would have their rental licenses revoked and would face escalating fines if the police reported three instances of “disorderly behavior” within a two month time period at a given address. Ms. Briggs and her family have periodically needed to rely on the police for protection at her rental home. Ms. Briggs was almost removed from her home along with her infant daughter on the grounds that police were called upon too many times to protect her and her daughter for incidents of domestic violence when she was beaten and threatened by her ex-boyfriend.³

Ms. Briggs reported that after her ex-boyfriend stalked and assaulted her and her eldest daughter’s boyfriend, she was left in a position in which she could not contact law enforcement

¹ Peg J. Dierkers, *Law endangers victims of violence*, Philly.com (November 4, 2013)

http://www.philly.com/philly/news/20131104_Law_endangers_victims_of_violence.html

² *Briggs v. Borough of Norristown et al.*, Compl. No. 2:2013cv02191 (E.d. Pa. April 24, 2013).

³ *Briggs Compl.* at ¶ 8.

for help without fear of an eviction. As a result, on one occasion when her life was in grave danger,⁴ she avoided calling the police or seeking other emergency assistance. She suffered severe injuries and was airlifted to the hospital for emergency care.⁵

These local ordinances disproportionately impact women, children, people living in poverty, and communities of color. One in every four women will experience domestic violence in her lifetime.⁶ Approximately one in seven survivors is male.⁷ In many cases, calls for help are inevitable and instances of stalking, domestic violence, and dating violence can recur without effective assistance from law enforcement.

No individual, family, community, or landlord should be penalized for seeking help from the police. More importantly, nobody should be forced to choose between their life and a place to live in deciding whether to seek assistance from emergency authorities.

HB 1796 seeks to draw a clear distinction by ensuring a resident's right to call the police in a time of need. Please vote "yes" on HB 1796.

⁴ *Id.* at ¶¶ 98-99. (Ms. Briggs was stabbed in the neck and ultimately passed out, with blood gushing from the puncture wound).

⁵ *Id.* at ¶ 100.

⁶ The Centers for Disease Control and Prevention and The National Institute of Justice, *Extent, Nature, and Consequences of Intimate Partner Violence*, July 2000.

⁷ Jesse Krohn, *The Protection from Abuse Act: Text v. Implementation*, Presentation, Temple University Beasley School of Law, September 23, 2013.