

Allegheny County Council

119 Courthouse
436 Grant Street
Pittsburgh, PA 15219
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Meeting Minutes

Tuesday, June 30, 2020

4:30 PM

Conference Room I

Committee on Health & Human Services

Cindy Kirk, Chair; Tom Baker, Liv Bennett, Tom Duerr, Bob Macey, Anita Prizio and Paul Zavarella, Members

I. Call to Order

The meeting was called to order at 4:44.

Invited Guests:

Richard Garland, MSW, University of Pittsburgh Graduate School of Public Health
Brandi Fisher, Alliance for Police Accountability

Mr. Garland was present via phone from the University of Pittsburgh Graduate School of Public Health

Ms. Fisher was present via phone from the Alliance for Police Accountability

Superintendent McDonough was present via phone from the Allegheny County Police

Mr. Barker and Ms. Roka were present from the Office of County Council

II. Roll Call

Members Present: 2 - Bob Macey and Cindy Kirk

Members Absent: 0

Members Phone: 5 - Tom Baker, Olivia Bennett, Tom Duerr, Anita Prizio and Paul Zavarella

Members Non-Members: 6 - Patrick Catena, Sam DeMarco, John Palmiere, Bethany Hallam, Paul Klein and Robert Palmosina

III. Approval of Minutes

[11550-20](#)

Motion to approve the minutes of the June 24, 2020 meeting of the Committee on Health & Human Services.

A motion was made by Macey, seconded by Baker, that this matter be Passed. The motion carried by a unanimous vote.

IV. Agenda Items

Ordinances

[11516-20](#)

An ordinance amending and supplementing the Allegheny County Code of Ordinances, Division 5, entitled "Health and Sanitation," through the creation of a new Chapter 600, entitled "Less Lethal Devices," in order to protect the public health by eliminating the use of certain devices within Allegheny County.

Sponsors: Council Member Hallam and Council Member Bennett

At the request of the Chair, the clerk read the title of the bill and the Chair re-capped the timeline that she is envisioning for the bill, noting that the current meeting is for information-gathering purposes, and that the Committee's deliberative meeting would be taking place on July 8 with an eye to having a final vote on July 14.

At the request of the Chair, Mr. Garland expressed support for the legislation, noting that

it dovetails with his own work in the community, in which he has observed the use of the devices to which the ordinance would apply. Mr. Garland suggested that there may be wisdom in proceeding straight to questions.

In response to questions from Ms. Bennett, Mr. Garland noted that much of his work is with younger individuals, and that in his experience, they tend towards peaceful demonstrations and that using lethal devices in those settings may actually increase the divide between law enforcement and the community. Mr. Garland indicated that his belief is that the relationship between the community and law enforcement can and should be improved, and that pursuing legislative initiatives that show the general public that their well being is important could be an important step in that direction. Mr. Garland noted that he runs the University's violence response initiative, and works to secure services for gunshot wound victims. Mr. Garland indicated that having a good relationship with law enforcement is important to him in that capacity, because they are able to inform him regarding where an individual may be at risk in his or her community. Mr. Garland noted that he also tracks trends in violent crime in order to attempt to identify areas in which intervention might be particularly valuable, and that he also works to secure safer housing and employment (largely in construction trades) in order to reduce recidivism rates.

In response to a question from Mr. Duerr, Mr. Garland noted that, as a member of the Mayor's police task force, his belief is that the County and other municipalities in the County should be a part of the City's discussion, because violence is not a City-specific problem. Mr. Garland noted that the historic trend has been for the City of Pittsburgh to have significantly more homicides than the rest of the County, but that in the last few years, the numbers have gotten much closer, and that a holistic approach to law enforcement/community relations is therefore necessary in his opinion. Mr. Garland indicated that his belief is that the County becoming involved would be a positive step in that regard.

In response to questions from Mr. Macey, Mr. Garland suggested that the displacement of City residents throughout the County (and vice versa) leads to territorialism in his opinion, and that this is not as productive as a Countywide approach would be. Mr. Garland indicated that he has concerns about bean bag rounds and tear gas specifically.

In response to a question from Ms. Prizio, Mr. Garland indicated that his own belief is that the use of tear gas should be carefully evaluated in light of the COVID pandemic.

In response to questions from Mr. DeMarco, Mr. Garland indicated that law enforcement, particularly in smaller communities, tends to be receptive to the notion of intervention short of arresting individuals, they often reach out to him for assistance. Mr. Garland also indicated that many officers work in multiple municipalities, and that this should be something that is considered in any type of regional approach. Mr. Garland noted that most of the officers with whom he works say that they are interested in improving their relationship with their community, but that in his judgment, that is not always truly reflected in their actions.

In response to a question from Ms. Hallam, Mr. Garland indicated that he is in favor of the less lethal device ban proposed.

Ms. Hallam and the Chair discussed the possibility of having an additional informational session prior to the final vote.

Ms. Fisher indicated that her organization supports the proposed ban, noting that many younger individuals attend the protests, and that she herself attended the May 30 protest with her children as a passive observer, and that they had been subjected to tear gas. Ms. Fisher noted that wind direction can change, and that it is very difficult to target tear gas specifically such that collateral application to peaceful individuals does not take place. Ms. Fisher indicated that she observed individuals who were injured by rubber bullets, and that she views it as problematic that the use of less lethal force may ultimately have a chilling effect on individuals who wish to exercise their First Amendment rights.

In response to a question from Ms. Prizio, Ms. Fisher noted that her belief is that a County ordinance may influence the municipalities within the County, and that erring on the side of caution may be advisable in any event. Ms. Fisher indicated that she believes that a similar measure could be beneficial in the City of Pittsburgh, and that the County may aid in that process if it were to do something similar.

Mr. Macey noted that reports published by local media suggest that more police officers may have been injured than protesters, and that in his opinion, some means of disbursing unruly crowds has to be made available.

In response to a question from Mr. Macey, Ms. Fisher noted that the protest she attended was downtown, and that protests in different locations may have had different tones. Ms. Fisher indicated that she does not regard restrictions of this nature as anti-police so much as pro-population to the extent that peaceful exercise of First Amendment rights should not be subject to the same measures as individuals who do become violent.

In response to questions from Mr. Duerr, Ms. Fisher discussed the work she has done for the Alliance for Police Accountability with the US Attorney, District Attorney, and police forces in order to attempt to improve their relationship with the community and attempt to reduce incidents of the use of force. Ms. Fisher indicated that this is her first experience with violence breaking out at a protest, and that she would dispute the characterization of protests as inherently violent. Ms. Fisher noted that de-escalation of protests should be the goal rather than escalation, and that using less lethal devices against a large number of people based on one or two individuals' actions is counterproductive to that goal.

Mr. Klein suggested that having as many people as possible in the conversation would be wise, as Mr. Garland suggested.

In response to questions from Mr. DeMarco, Ms. Fisher noted that she elected to remain at the protest once it began to deteriorate specifically in an attempt to ensure the safety of the participants.

In response to questions from the Chair, Superintendent McDonough described flash bang grenades, noting that they generate loud noises and flashes as a means of disorienting and distracting individuals, that they are thrown by hand and most often used in SWAT scenarios, and that they are always sight-deployed by the County Police. Superintendent McDonough discussed concussion grenades, noting that they were designed for use in trench warfare as a lethal weapon, and generate high pressure waves that cause injury. Superintendent McDonough re-iterated that he had never seen a rubber bullet used, but that sponge rounds and bean bag rounds are used, and that he had heard of devices called sting balls that do fragment on contact with hard surfaces like the ground, but that he has no personal experience with them. Superintendent McDonough noted that he is aware of municipalities within the County that do use less

lethal weapons, including the SHACOG and Northwest Regional SWAT teams, and that patrol officers in some departments use them, as well. Superintendent McDonough noted that he has spoken with SWAT team members, and that they cannot recall the last time that a less lethal device had been used in a crowd control context.

The Chair indicated that the Committee's next session would be on July 8 at 4:00. The Chair asked if the Committee members wished to have an additional informational meeting prior to the deliberative meeting, and in the absence of a prevailing desire to do so, indicated that the proposed schedule would be in place.

V. Adjournment

The meeting adjourned at 5:48.