

Allegheny County Council

436 Grant Street
Pittsburgh, PA 15219
Phone (412) 350-6490
Fax (412) 350-6499



Meeting Agenda - Approved

Wednesday, March 18, 2020

4:30 PM

THIS MEETING HAS BEEN CANCELLED.

Conference Room 1

Committee on Public Safety

*Liv Bennett, Chair; Sam DeMarco, Bethany Hallam, Cindy Kirk, Paul Klein, Bob Macey
and Bob Palmosina, Members*

I. Call to Order

Invited Guests:

II. Roll Call

III. Approval of Minutes

[11457-20](#)

Motion to approve the minutes of the February 4, 2020 meeting of the Committee on Public Safety.

IV. Agenda Items

Ordinances

[11370-20](#)

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Allegheny County Code of Ordinances through the establishment of a new Division 9, entitled "Conduct," and a new Chapter 905, entitled "Independent Police Review Board," in order to establish a mechanism for citizen review of allegations of misconduct undertaken by police officers within Allegheny County.

Sponsors:

Council Member Walton, Council Member Duerr and Council Member Klein

The Chair has indicated that her intent is for this to be the first substantive discussion of issues relevant to this ordinance, with input to be obtained from a number of experts over this and other committee sessions yet to be scheduled. The Chair does not have any intention to request any motion(s) or vote(s) relating to the ordinance at this session.

Legislative History

1/21/20	County Council	Referred by Chair to the Committee on Public Safety
---------	----------------	---

2/4/20	Committee on Public Safety	Held in Committee
--------	----------------------------	-------------------

The Chair provided a short overview regarding how she would like to proceed with the process of discussing and evaluating the bill, and noted that her intent is not to engage in any substantive debate regarding the bill as of yet.

At the Chair's invitation, Mr. Walton gave a series of opening remarks, noting that the intent behind the bill is not anti-police, but rather is intended to provide transparency, accountability and recourse for the County's residents if they find it necessary to seek review of law enforcement personnel's actions. Mr. Walton also indicated that his preference would be to take a deliberative path in an effort to thoroughly explain the proposal to the County's residents, much as was done previously with the public meetings which took place regarding the previous incarnation of the bill. Mr. Walton suggested that the conditions which gave rise to the concept behind the ordinance have not meaningfully changed in his eyes, and he still believes that there is a need to address the challenges faced by law enforcement and the County's residents.

The Chair thanked Mr. Walton for his comments.

Mr. Catena noted that he believes that it is important to remember at the outset that participation by the municipalities would be strictly voluntary, on an opt-in basis.

Ms. Kirk raised a concern regarding program cost, and the Chair and Mr. Catena noted that budgeting is not a subject that has been evaluated as of yet.

Mr. DeMarco expressed a belief that the ordinance remains flawed, and suggested bringing in individuals who have experience with police oversight and law enforcement generally in various settings in order to better inform the decisionmaking process.

The Chair thanked Mr. DeMarco and noted that she would like to take a moment to address process in more detail.

The Chair noted that she is aware that the bill had a previous life before Council, and indicated that because the prior bill failed, her desire is to try to find a cooperative methodology for creating a bill that can pass. To that end, the Chair indicated that she would be willing to contemplate specific requests for informational sources on a case-by-case basis, and already has reached out to a variety of potential sources.

The Chair and Mr. Walton discussed the importance of decorum in the committee process.

Mr. Walton suggested that disagreement is possible without devolving the discussion.

Mr. Walton discussed his concerns relating to how potential issues are framed, and expressed a desire to avoid rhetorical pitfalls.

The Chair indicated a willingness to engage in thorough discussion of issues at the appropriate times as they arise.

In response to a question from Mr. Klein, the Chair noted that she is already participating in setting up community meetings, the first of which will likely be on February 19 in Duquesne.

Mr. Klein noted that the previous four community meetings involved receiving testimony from a variety of professional sources as well as the public, and the Chair and Mr. Klein discussed the current process as more of a continuation than anything else.

Mr. Futules expressed support for the notion of receiving input from the public, and also indicated that he had reached out to the elected officials in the communities that he represents when the bill was pending last time, and strongly suggested that something similar be done this time around. Mr. Futules also suggested that the bill should be in its final form before starting that process, so that everyone knows exactly what they're contemplating opting into.

Mr. DeMarco noted that he had done something similar through the COGs last year, as well, and suggested that the COGs may be a beneficial.

The Chair and Mr. DeMarco discussed the importance of defining goals prior

to getting too deep into discussion.

The Chair expressed a desire to try to get a handle on budgetary impact, and Mr. Walton suggested that the ordinance contains provisions relating to staffing and budget.

Mr. Walton discussed the history of other legislative matters, including multiple voting rights laws, that were of limited applicability at first, but which became more significant over time, and suggested that it may not be productive to evaluate the concept merely based on the tally of municipalities who happen to be interested in participation at this moment in time.

Ms. Kirk noted that she had discussed the matter with the communities that she represents, and that they indicated that they believe that they have sufficient oversight already. Ms. Kirk suggested that diversity among the entities that are providing input is important, and the Chair noted that part of her rationale in asking for suggestions about who to hear from is to further that goal.

The Chair expressed a willingness to consider the possibility of having additional meetings in more outlying areas.

Ms. Hallam noted that she has been reaching out to the police forces in the North Hills because she believes that it is important for the effort to be collaborative, and offered to loop Ms. Kirk into those conversations.

Mr. Pamosina noted that he had voted in favor of the bill the first time, and that he would be voting in favor this time, as well because he knows that there are communities that need something like this. Mr. Pamosina suggested that there is definitely merit in thoroughly vetting the bill and adjusting it if necessary, because of the importance of getting to an ordinance that can pass.

Mr. Walton expressed appreciation for Mr. Pamosina's comments, but also noted that setting up an ineffective entity would be a pointless endeavor, and suggested that a balance must be struck between effectiveness and whether the bill can pass based on a thorough understanding of what the ordinance contains.

Mr. Futules suggested that there is probably wisdom in reminding the public that they will also have to make their thoughts known to their local community elected officials, as well, because they ultimately will decide whether to opt in or not.

Mr. DeMarco suggested that there may be wisdom in placing a referendum on the ballot to form a review board.

Mr. Walton reiterated his belief that the need for a review entity exists, regardless of how many municipalities opt in at the outset, and suggested that it is critical in his view that the citizens of the County be represented by a government for all, rather than merely those with certain types of access.

Ms. Kirk suggested that it may be wise to set a regular meeting schedule so that advance planning can be done a bit more easily.

Mr. Catena noted that he would like to see an open-minded, collaborative effort in which the members are carefully attentive to each other, because

failing to do so will probably be an obstacle to reaching a consensus. Mr. Catena indicated that he has questions about the ordinance, but that he would like to listen to the answers to those questions before deciding what the best way to proceed might be.

The Chair noted that her intent is to have a final vote on some version of the ordinance prior to the summer recess, if at all possible.

Mr. Klein expressed a belief that bills of this nature often fail due to mindsets rather than substance, and that an open process should foster understanding that the bill is actually far less draconian than it is sometimes portrayed as being.

Ms. Kirk, Mr. Klein and the Chair discussed the importance of obtaining additional information from a variety of sources.

Mr. Walton again highlighted the investigatory nature of the proposed board, and noted that the board members are envisioned to be mindful of a variety of relevant considerations. Mr. Walton indicated that multiple tiers of varied review are not unprecedented in other governmental settings.

Mr. DeMarco emphasized the importance of considering that a one size fits all solution may not be the best, and noted that municipal elected officials are civilians who do have oversight over their respective police forces. Mr. DeMarco also expressed a belief that it should be possible to find common ground, and noted that the concept of maintaining an open mind should help with that.

Ms. Kirk and Mr. Walton discussed the merits of hearing from Ms. Pittinger and Professor Harris again and in more detail.

V. Adjournment