

ALLEGHENY COUNTY COUNCIL

PUBLIC MEETING

- - -

BEFORE:

John P. Defazio	-	President
Anita Prizio	-	District 3
Patrick Catena	-	District 4
Sue Means	-	District 5
John F. Palmiere	-	District 6
DeWitt Walton	-	District 10
Paul Klein	-	District 11
Robert Palmosina	-	District 12
Denise Ranalli-Russell	-	District 13

Millvale Community Center
416 Lincoln Avenue
Pittsburgh, Pennsylvania 15219

August 30, 2018 - 5:30 p.m.

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Pittsburgh, PA 15219
(412) 232-3882 FAX (412) 471-8733

IN ATTENDANCE:

Jared Barker - Director of Legislative Services
Jack Cambest - Allegheny County Council Solicitor
Ken Varhola - Chief of Staff
Sarah Roka - Budget Assistant

CHAIRMAN WALTON: Good afternoon, ladies and gentlemen. We would like to get started with tonight's meeting. This is the second public meeting of four by the Allegheny County Council. And I'd like to start --- my name is DeWitt Walton and along with co-chair of this effort, Paul Klein. We'd like to thank him for coming and thank everyone who has opted to spend some of their valuable time providing Allegheny County Council with their insights for this evening. Your comments are extremely important, means of informing the Council's decision-making process and we are grateful to you for sharing them with us.

With that being said, we are, of course, all aware that recent events and the issue of police accountability have become profoundly controversial topics, and that emotions sometimes run high when the matter is discussed. While it is certainly not our intention to minimize or gloss over anyone's feelings, please note that we do expect and require that decorum be maintained at all times this evening and that the following guidelines must be observed at all times.

Please be respectful of other speakers and allow them to fully avail themselves of their right to speak. Please do not interrupt or disrupt their remarks with heckling, applause or other noise.

Regardless of the number of individuals waiting to speak, please adhere to all time limits and do everything possible to allow easy access to the podium for speakers when their turn is called.

A timer will be visible to speakers as they make their comments. The time limit for this evening is two minutes per speaker. The timer will give a single warning beep with a yellow warning light when one minute remains, then multiple beeps and a red light at the conclusion of the two minute time limit.

Do not, under any circumstances, engage in any inflammatory, threatening or confrontational behavior. Doing so will be cause for immediate ejection from the meeting. Do not engage in or display profane language of any kind.

Only individuals who are registered to speak and who are called to the podium may do so. If anyone has a handout for Council, please provide it to our staff members who will distribute it to us. Do not, under any circumstances, approach the Council members directly.

In that regard, we have individuals that are previously signed up via our last minute sign-up list. If anyone is seeking to speak that has not signed, please raise your hand and our Chief of Staff, Ken Varhola, will come to you with a sign-in sheet.

MR. VARHOLA: Even if they don't want to speak.

CHAIRMAN WALTON: Yeah. Thank you. And he will sign you up for the last minute speakers list. Lastly in that regard, we ask that everyone please sign in so that we know who attended. It is important to us that we understand the level of support or lack of from the audience. And so we want to be able to say that x amount of individuals participated in the process and the more the better off that we will be able to make the decisions that ultimately need to be made.

Back to the guidelines. Speakers should approach the Council only. The Council members are not to engage in conversation or debate with any speaker during their remarks to Council.

Council does not restrict the use of cameras or recording devices during meetings. That said, please do not use these devices in a fashion that disrupts the hearing or any speakers. Larger cameras, tripods, et cetera, must be placed around the perimeter of the room, but may not be placed behind the Council's table or behind the speakers' podium.

Signs may be displayed, provided that they do not obstruct the audience's view or the proceedings. Larger signs must therefore also be kept to the perimeter of the room. We do wish to be able to contact everyone who is present tonight in order to provide or request additional information.

Again accordingly, for individuals who are not speaking, please use the general sign-in sheet with our staff members. Please obey all instructions from the Chair. Failure to do so may constitute grounds for ejection from the meeting. Please be aware of the rules regarding public speakers.

We've asked speakers to register 24 hours prior to the start of the meeting in order to reserve a time slot. However, registrations received after that may be honored if time permits. If you did not sign up in advance but would like to still speak, if there is enough time you must sign up on the last minute sign-in sheet.

Once the pre-registered speakers are finished speaking, individuals will be called from the last minute list on a first come, first serve basis until 6:58.

Due to facility rental agreement provisions, tonight's meeting must end no later than 7:00 p.m. If we must end the meeting before you have a chance to speak, feel free to submit written comments prior to September 27th at 5:00 p.m. which will be the day after our last scheduled meeting. For individuals that do make verbal remarks this evening, please begin with identifying yourself and the municipality in which you live for the record.

Speakers are specifically prohibited from allocating or deferring their time to other speakers. If you are not present when your turn comes and your name is called, you may not get the opportunity to speak. A listing of the speakers who signed up and the order in which they will be called is posted at the staff table.

Only residents of the County are granted the right to speak, pursuant to Section 710-1(a) of the Sunshine Act. If there is not enough time to hear all speakers, some or all of the comments can be deferred to the next meeting.

The next meeting will be September 20th at the Duquesne Elementary School and following that, September 26th at the Father Ryan Center in McKees Rocks. All meetings will begin at 5:30 and run until 7:00. We thank you for your consideration and your support in this process. So welcome and we will start with presentations by Professor David Harris from the University of Pittsburgh School of Law and Maurita Bryant, the Assistant Superintendent of the Allegheny County Police who both will have 15 minutes to speak then that will be followed by questions from Council and then we will get to the speakers as quickly as we can.

So starting with Assistant Chief Bryant. Would you please begin Assistant Superintendent? We just have such a long --- a lustrous history.

MS. BRYANT: Thank you, thank you Councilman Walton and I'd like to thank Council for allowing me to address you tonight. My first experience with civilian oversight was with the formation of the Pittsburgh civilian police review Board back in 1977 --- 1997, I started in 1977. At that time, I was the --- stationed in the eastern section of Pittsburgh which was

then and still is considered one of the most violent sections within the city.

It was a difficult time for the department because we were still mourning from the 1995 death of Jonny Gammage that occurred in Brentwood borough and the 1996 Class action lawsuit brought against the department for their civil rights violation. Even though Mr. Gammage's death did not occur in the City of Pittsburgh, the advocacy and outcry from the community came from the city residents.

At that time, there was talk about a countywide police review Board but I guess for some of the same reasons that exist today by funding and support from the local municipalities. The countywide police review Board did not materialize. Instead, the Pittsburgh citizen police review Board was funded from the city general fund and the only police department that was effected by its authority was the Pittsburgh Police Department and it seems like the same exists today where Allegheny County is the only one effected by a countywide review Board.

Initially, there was a strained relationship with the civilian review Board because officers felt that the Board was not an unbiased fact finding entity that felt there sole purpose was to find police officers at fault. The police chief, the union and the rest of the Board were constantly at odds and that lack of cooperation and understanding of the roles that each played created an adversary relationship between the Pittsburgh police and the civilian review Board which played out in the media.

It wasn't until years later that that adversarial position changed and the department saw that the review Board was actually an unbiased, fact-finding loyalty to the people and that many of their recommendations were geared towards holding the department more accountable for their actions of their officers.

Oversight can be a resource for law enforcement agencies by making policy recommendations and assist with helping to increase the public's understanding of law enforcement policies, procedures and operation. A good working relationship can help improve the quality of the department and internal investigation of alleged misconduct as well as help hold law enforcement accountable for individual officers.

One of the things in forming a civilian oversight, I think that we have to first decide what type of oversight that we want, what type of authority would form that Board. It has to be a non-political entity. It has to be formed from the people in the community whether its community advocates, people who have a social --- concept but it can't be under control of any political entity because it will just lose everything that it's meant to stand for.

In today's crime, the area police department has lost the trust of the community because of the actions of a few officers. Civilians need to have a resource that investigates the actions of police officers that don't follow proper policies and procedures.

In some of the smaller departments where they now have transparent policies or procedures for filing complaints or conducting an internal investigation, they make it difficult for citizens to feel that they have a voice to address police misconduct in the department. In some of the smaller departments where you may have three or four officers that work as a chief and you have the mayor of the Council that has a real close connection.

People, and especially I would say people in the minority community who have very little voice. When they come to that police department because they feel that an officer had abused them in some kind of way with misconduct or police brutality, any complaint that they may bring to that police department and someone may be there to listen to them or they may not listen to them. But when they don't get any type of feedback or response, they feel that their complaint has gone unheard and then there's no one else that they can actually go to. They may go to the VA's office or to the federal agency which is kind of costly to file charges. They feel they don't have a voice and they don't trust the system.

There is a lot wrong with our criminal justice system, but it's the only system that we have and we have to be able to work within that system, but people do need a voice. I'm not against civilian oversight but I feel that for the Allegheny County police we have never been in this complaint, and really the only time who were under that authority seems kind of unfair because of the type of work that we do, we don't have an adversarial relationship with the public. We have one community that responds to 911 calls and that's Wilmerding.

The people in Wilmerding, they find that our department here is accessible and responsible to their particular needs. There is no issue there. We mainly patrol the parks and the airports. And so we were kind of accustomed to have a friendlier interaction with the public. So to give us civilian oversight, I don't think they've achieved what you actually want to achieve because there are a lot of smaller municipalities. I think there are 100 some municipalities that they don't have the resources or the funding to have the proper training to have the proper policies and procedures in place or to have the training that shows them how to interact with the community.

I don't know how you would get those municipalities to buy into civilian oversight because many of them probably don't really even need it but as public service we ask the public that's who we actually work for. So although I'm not against civilian oversight I think that it has to be instituted in a way that is fair and ethical across Allegheny County. Thank you.

CHAIRMAN WALTON: Thank you. With that, we are going to move to Professor Harris, if you would?

MR. HARRIS: Thank you very much, Mr. Chairman and members of Council. Thank you for giving me the opportunity to speak to you and it's a special privilege to be at this table sharing it with assistant superintendent, Maurita Bryant with whom I've dealt for some years and for whom I have so much respect.

I'm going to use my time with you this evening to give you some background on the various forms that civilian oversight can take, how it can work. Particularly, how it can be used proactively which I think is an interest to many of us. We want to know how it can address the incidents that have occurred in the past but what you can do to improve things going forward.

I think as far as the need for something like this, I think that Superintendent Bryant said it perfectly. There are many departments through this County that are small, might not have the resources, might not have the focus to do the things they need to do to ensure that they are policing in a way that protects their citizens and also ensures that their citizens are getting the kinds of treatment that they deserve in the course of that public service.

It's not simply a matter of money, it can be that a small department has got a lot of money which would be very good and it could be that a larger department with a lot of resources might not be so good, but I don't --- there is anybody that doubts at this point that there is too many places, too many departments that are not likely to have policies on important issues such as use of force or adequate training and so forth. So the need for this is real and it's great and the best thing, I think is we're having this conversation right now in an effort to kind of build the structure to get ahead of these issues because surely this is not going to be the last conversation when there is an incident like this, like the tragic death of Mr. Rose.

And I hope it's nothing like that but let's not wait for the next one, let's go ahead and talk about it now and see if we can't get a start. I would define civilian oversight as a form of police accountability. Again, that's right in line with what Assistant Superintendent Bryant said. It is a form of police accountability that is focused on allowing non-police actors to provide insight and input for the police department for its various operations.

Usually, but not only about possible allegations, complaints, things like that, about particular incidents, but I believe it's a form of accountability. And when you think of the goals of this civilian oversight is designed to accomplish that it's all about the accountability and to instill trust in a police department. It is building the confidence that people can rely on the police department, not just to show up on call but that they will be treated respectfully. That the information processes will be thorough when they are directed possible misconduct inside the police department or misconduct outside of it that the right kinds of policies will be followed so that the police service is both adequate and as good as it can be in that particular jurisdiction and I think it will be transparent.

All of those things are goals that we have for public safety that can be ensured through citizens civilian oversight. There are three basic models of civilian oversight to think about. I think on the paper there are three. Here they are. Number one, model is what we would call investigation-focused. When people talk about civilian oversight, they are typically talking

about this. Civilians making complaints and those complaints being investigated by an independent citizen-led body. It's an incident that happened in the past where the bodies looking into it now where it's investigation-focused.

The second type is what you want to call review-focused. This type of body doesn't do independent investigations, instead it reviews the investigations which involved police agencies own internal affairs unit or in this case, Pittsburgh civilian oversight board it would be OMI, Office of Municipal Investigations just for point of comparison. So investigations are done internally, but the outside citizens board reviews them, comments on them and they take some kind of position on them depending on their particular set of authorities and so forth.

The third type of body, what I'd call auditor or monitor-focused and this is a different focus all together. This type of model grew up in the Western of the United States in the '90s into the early 2000's and the idea is that you set up an agency or a residual with powers not to investigate individual complaints about past incidents but to look at the operations of the department as a whole, to look at the training, to look at how the --- use of force. It could be anything but that they would have --- or the agency where the person would have authority to deal with this effectively and audit the operations of the police department with the idea that they would then give advice of what needs to be better and what is working well and publicly report on what was found.

So it's not focused on the individual incident, it is focused on operations. So to support these three models, you need some kind of confidence. So it's not just the idea of police components. So the investigation-focused model would be investigating the complaint independent. The review-focused model would not investigate the independent, but instead would look at the internal investigation that the police did. And the auditor-monitor model, that would look at the process of handing complaints by the department. So they all have a different focus point and a different set of actions that they could do.

Last night, there was some very good testimony by Ms. Pittinger about the requirements for oversight and

we're going to exercise a few of those advantages here in a minute or so. It's got to be independent. Whatever you create, it must be independent of law enforcement agencies that you will review and number two, it has to have adequate jurisdiction for whatever task you set forth. And as Assistant Superintendent Bryant said, it depends on the goal. All right. So we've talked about setting different kinds of goals already this evening, it depends on a goal that you've set in terms of what was structured in each of the three models and you've got to give them adequate authority to accomplish the jobs that you have given but it has to have adequate budget. It has to have unfettered assets to the people, executives in law enforcement, documents whatever it takes.

If you're going to have an agency that either investigates complaints or reviews the complaint process on either end of the spectrum, any one of those files you have to have access information. You have to have all of the information or none of these things would work. Other than that, the public reporting transparency is critically important. This would be different depending on the model, if you had a claim focused model certain things are going to have to be kept confidential, such as reporting something that is not with the agency's authority.

If there is a review-type of model, you would want your agency to write public reports, make public statements. That is how you will get things done. Overall, what you're looking for --- I think that the term best practices gets a lot of play. I think that that's a good idea but you have to put down your best practices or the best fit for your circumstances. Okay. And every locality, every county or city will have different circumstances, will present different context. Because of that, the way things get done, the type of agencies set up and the ways that you decide to go can be fairly different.

Another important thing to remember is that you probably --- given what your goal is, you'll want to use the model that is least intrusive. All right. Because one thing we know about the history of civilian oversight from its beginnings in the 60s and the 70s all the way forward is that these things can be a gentler opposition. Certainly and again, you'll find as Assistant Superintendent Bryant said that that was the case in Pittsburgh. Now we're up to beat with the department and

we're much more on the same page, we're helping each other and that's a realization, but it wasn't always.

And so we want to go with the model that will bring fewer components that will get the job done with the least amount of intrusion. You also want to give --- make sure that your agency has capability to use this --- because what you are doing, certainly with a review-model, is you want to look at numbers. You want to look at data and you want to look for patterns. That is how you could tell the police departments, we know your processes for X or Y, and what the chances are, that those will need to change because we would see the pattern and it's not good.

So just to kind of sum it up and bring it home I would say in our County the need for this is real with a hundred plus police departments with no overall oversight. The need for this is real for exactly the reasons that Superintendent Bryant said. We don't want people to have no trust in the departments because when they have an issue, they have nowhere to go. The best outcome and service would be for the state to pass legislation. Last night, Chairman Walton pass legislature that would give the County the ability to go forward on this and to fund the police departments to do whatever it is you decide to do. That's the best outcome.

Now, is it a difficult thing to get a law passed and it is election year, and you know, it's a tough year for Harrisburg. I will tell you that when I was working with the IRS police department they wore body cameras, we faced a real issue. The old wire tap law said that you can't turn on any kind of recording device in a house without a warrant. And if you do that, it's a crime.

So many police departments in the state, have body cameras to wear but until it changes we won't do it and I would say many of us, including myself were pessimistic about getting it changed, it got changed. So things can happen. I wouldn't give up on that idea at all, that's the best possible outcome so many would decide how this would go through the whole County.

Short of that, and even before that happened, I think you want to start now anyway. I really think that you have to build the structure now anyway in an anticipation of either getting some authority to be able to pull some of these small departments in as you go and I'm very sympathetic to what, you know, Superintendent Bryant said about county police department. Their issues

are actually different than other police department, they serve in a different way. I wouldn't agree, necessarily that that means that they don't need it. They could still use the independent voice that comes from that in certain situations in which it is called for, but if we're starting this now and what you're looking for, what your goals are and what kind of agency you want to build to do that.

So I would start thinking now in those terms, I mean, terms of incentives. What incentives can you build into the process to bring some of those police departments in an ethical way? So again, bring it to an end. If I were in your shoes, I'd look for some kind of a hybrid form because you have three forms that means you can combine in a many number of ways. I think for the purpose of heading all problems in the future, you definitely are going to want that review-monitoring and auditing function part. But you also want to be able to look at complaints, whether you look at them in terms of fresh investigations, or if you review the internal investigations of the department that's a judgement call.

You really have to build a good investigation agency, you have good expertise, takes a little more time and you need a very, good strong professional staff which is more expensive. All of those things need to be balanced. When combining the two functions, both proactively reviewing auditing, being it looking at complaints in some form I think is the way to go. You want to have transparency, you want to have reports, you want to have the executives of the agency that are required to respond.

If you have those things, you will have structure to really do some good. I want to thank you again for the invitation. I got some good points and notes and remarks and I'm happy to share them with you.

CHAIRMAN WALTON: Thank you. With that being said, I want to apologize to my fellow Council members for failing protocol and not introducing at least my co-chair and an opportunity to share his views and introducing fellow members of Council that are here. Starting with co-chair, Paul Klein; President of Council, DeFazio, Member Robert Palmosina, Member Anita Prizio, Denise Ranalli-Russell, Council Member Means and Council Member Catena. So I'm referring the remainder of the meeting to

my Co-Chair's for my failure to follow through with them earlier.

MR. KLINE: Thank you, Mr. Walton. I guess that we should probably open this up for questions from Council and I do have one that I'd like to ask but I am going to go down the lines here. But Professor Harris, you just mentioned how to motivate police departments and many municipalities and to get them on board with this process. So what are your thoughts along those lines? How does this benefit them?

MR. HARRIS: Well, thank you for the question. So one of the incentives I think about what police departments would need and when I think about what they need, among the things they would need is liability insurance. Okay. And when I think of that, I think, where is East Pittsburgh going to be now after this terrible incident, you know, what's going to happen to that place if they didn't have insurance? I have no idea whether they do or not, but it does seem to me that the cost of insurance might be something that could be used to give municipalities incentives to bring their departments in.

Increasingly the insurers are looking at police policies, conduct, records and so forth to determine costs of liability insurance. So being part of the authority of placing oneself under the authority of a review board might be something that would lower the cost of what the municipality would pay. Look at it the other way around, perhaps the County could subsidize insurance costs for the municipalities that decide to go in, but it's --- I mean, when I think about the ways you can incentivize people I think they all need that and it costs so much.

MR. KLEIN: I mean, it would almost seem that given the fact that these Pittsburgh police departments that there's probably been a solicitor who is talking to them about this and I can't imagine --- and we all know there are other communities in this County that have, you know, very small police forces that are probably now talking about what happens if something --- and I know it sounds like this is a proposition but there is that potentially, what happens when something terrible happens?

I mean, how do we --- how do we handle that in terms of the expense. So I think if nothing else, they would be more open to this as a possibility than they were before.

MR. HARRIS: You're right.

MR. KLEIN: So let me go up and down the line here and I'll turn it to President John DeFazio to see if he might have anything.

PRESIDENT DEFAZIO: Yeah, I don't really have a question. I just want to let people know that we're thankful for you coming out and I'm interested in going to all these meetings and hearing what the people and public have to say because we have a lot of work to do here. So at this point, I don't have any questions.

MR. KLEIN: Thank you, Mr. President, for being a part of this. Well, I'll start over here. Mr. Palmosina?

MR. PALMOSINA: I actually have a comment but I do have one question. It's really nice to see you. You keep saying unbiased, unbiased review board. How do you do that? How do you get an unbiased review board?

MS. BRYANT: You have to have people that are committed to doing the right thing for the right reasons. You're always biased but if you're looking at justice, if you're looking at law or providing a legitimate recommendation, you have to take off that --- whatever biased that you might have and just fact find, you know, that's what the review board would do is look at the facts. They are looking for the truth and that's all you're going to do is fact find. You're not going to take personal feelings into that --- into that room. You have to have committed honest people.

MR. HARRIS: I agree with that. I would add that you could build against bias both by the people that you put on and the structure that you use to decide who is on it. So for instance, the citizens police review board in Pittsburgh, consist of seven members and their a little bit candidness is what allows them to act in an unbiased way where any kind of agency would not be the answer to anybody except themselves or their own judgement as a group. And there are two people appointed with law enforcement backgrounds and this was defined for us last night by Ms. Pittinger. They ask people who were in law enforcement at one time but not currently serving.

So it would be a point of where do people come from and what kind of backgrounds they have and so forth but it's basically by sending them to a task, telling them without fear you make the referable decision and not allowing any outside influence to push them around.

Some weeks ago, I did a deep look at the CPRB, looked through the data and through the quality of their reports, and so forth, and I wrote about it in one of my books and it was such a powerline project but that was still the timeline I think the CPRB would look at it and say, biased agency by a lot of folks in the county and certainly in the police department, but what I found was completely different. They were not going after the police in some kind of strong way, they were --- most of their complaints were actually --- they were not findings against police officers but there was only a smallest number that was and I also found that a lot of complaints were coming to them from police officers and that's still the case. I think that might speak more to their more unbiased than many understand.

MR. PALMOSINA: That's --- I think it was point number two. So in that format, they investigate their own --- they investigate their report. Am I correct with that?

MR. HARRIS: Yeah, that's exactly what it does. They would review you, the agency reports and then they would pass certain latitude to comment, correct, various things that can be adjusted. That's what we're doing in any investigation, you're reviewing the internal agency's investigation.

MR. PALMOSINA: Thank you very much.

MR. KLEIN: Okay.

Why don't we move over to the other side of the table? Do we have any questions?

MS. PRIZIO: I thank both of you for coming.

MS. RANALLI-RUSSELL: I also want to thank you, too, but I do have a question. I know a lot of people ask, you know, where is the 500,000 cost the city --- you know that it costs the city. Where is that coming from? Where --- is it coming out of our pockets? You know, is it going to affect us? Their main concern is the financial part of it? So can you --- do you know?

MS. BRYANT: I don't know exactly where the money is coming from, all I know is it's coming from the general fund. So dip into the general fund and then some of it is passed on to taxes --- or Professor, you may know?

MR. HARRIS: Are you asking me where does the money come from?

MS. RANALLI-RUSSELL: Yes, correct?

MR. HARRIS: I believe --- she's closer than I am to it. It comes I think out of general funding and it has to be guaranteed as their budget. And so any agency that you would decide to create its own physical support and it's obviously not free, none of these are free. Some of them are more expensive models than others. Some are more expensive models than others, but also consider the expense of not having it. It doesn't come in dollars but it comes in the loss of confidence and the end of relationships, inability to trust your own police department. That's a --- that's a real cost, it usually doesn't end up in dollars and cents but it really does hurt the municipality. Especially now, we know that crime and public safety issues flow across our municipal boards we're all connected so if those things are happening in one jurisdiction, there happening in all --- it's effecting all of us.

MS. BRYANT: I just wanted to say too that even if all the funding was coming from taxpayers it would still benefit because you don't know how close we came from the death of Antwon Rose to having hardship in Allegheny County. We came that close, if it wasn't for the superintendent of Allegheny County and the chief of the Pittsburgh community and the commissioner of Pennsylvania. With us all working together to keep the lid on something that could have been explosive.

So if the people are saying that they want some oversight, they want to have some say of what goes on in the police departments, I think they would probably be willing to pay for it because we don't want our county destroyed. And all it takes is one incident and now I'm sure local police departments what they don't want to say okay, we need the funds so we can raise our salaries and we can train our officers. We can get everything you say we don't have and we can get \$100,000, it's not a drop in the bucket to do those things but we have to do something.

MR. KLEIN: Ms. Means?

MS. MEANS: Thank you for recognizing me. I want to say thank you to you and everyone that's come tonight. I do have a few questions. One is, you talked about having the authority to call. Could you explain in more detail of what you mean by power --- what that --- does that mean?

MR. HARRIS: That's a great question. It can take many forms depending on the model that you decide to

ADOPT. So for a complaint review, an investigation-focused model you have to have authority. Because if you don't have that you're not going to be able to get all the information. For the review or auditors --- for an auditors style model that wouldn't be as important. To access the authority that said I can talk to --- I can get access to documents or whatever it is. So in some models you simply have to have the authority that will accomplish what you want your models to do. So it varies. It's not one size fits all.

MS. MEANS: You're probably going to need the ability to change the policy and I understand that in the City of Pittsburgh that the review board recommends a policy change or --- and then they present it either to the mayor or the chief of police and if they don't recommend it then they have 30 days to report it. And are you familiar with that? Are you familiar with or have an idea if it was turned away?

MS. BRYANT: The only thing that's ever been called was early on the review board would make recommendations as far as disciplinary action or that an officer fired. It still goes back to the chief --- the chief is the one that makes the final recommendation. If he or she is going to go with that recommendation or defer some other type of disciplinary action.

As far as policy changes from whenever you call, a lot of the policy changes that were recommended were accepted, they were accepted because they were reported to the department actually. I don't --- I don't recall the policy recommendation that was returned.

MS. MEANS: And my last question is, in the many years while doing your research, have you come across a county that had a county wide civilian police review board and have you found cities that have a review board, if not a county than a city. Are you familiar with any county in the United States that have a review board?

MR. HARRIS: I --- not off the top of my head, but I will find out for you.

MS. MEANS: Okay. Thank you.

MR. KLEIN: Mr. Catena?

MR. CATENA: Thank you, Commissioner. I just have a few questions. The first question was to Ms. Bryant. Obviously you have a lot of experience in your career in law enforcement. In your own personal opinion

--- because I think I heard you say you weren't opposed to oversight to the Allegheny County police but in your opinion you didn't feel it was necessary.

Is that correct?

MS. BRYANT: Yes, I don't --- I don't feel that a civilian review board --- a countywide civilian review board should only effect the Allegheny County Police. That's what my objection is if we're the only ones with that authority then I think we're missing the boat.

MR. CATENA: And for right now, that's obviously based on what we're --- what we're dealing with if we went ahead with it. That is what --- what it would actually be unless we encourage them to change their position.

MS. BRYANT: Yes, but changes can be made.

MR. CATENA: Okay.

And then my last question. I was at a meeting with the police chief today and one of the questions that came up was obviously if the municipalities opt into this they feel that this would need to be negotiated into their collective bargaining agreement with their police departments which obviously would cause --- I mean, the police would obviously want something in return if you're to negotiate this into the collective bargaining agreement. And they thought that would be costly. Can you tell me, is there a way around that or is there any way, I mean --- is there any way you can think of differently that you would be able to work through that?

MR. HARRIS: There's no question that that's --- that that is an issue that would have to be fixed. It is less an issue under the conception of an auditor or a monitor because there's no inquiry into here's how a person is going to be disciplined, as it would be with a complaint review or an investigation-focused model.

So with the extent to which a review board is --- to the extent at which a civilian oversight board touches issues that are in any particular collective bargaining agreement would differ depending on the model and the contracts of course, too.

MR. CATENA: Thank you, Mr. Harris. Thank you, Ms. Bryant.

CHAIRMAN WALTON: I have --- I have a couple --- I have a comment and I may have a question. Regarding the issue with the department, the issue of whether or not a civilian --- a citizen police review board is subject of required to change --- is it relevant nor is it required,

to my understanding of federal labor law. Because again, this isn't changing our condition to work. It is ancillary to the process. Do you see it any different than that?

MS. BRYANT: I think --- I think your correct because when the Pittsburgh civilian police review board came about, believe me they were not in favor, not on the board, nothing but it still came about because it was something that the people wanted. It was a public recommendation that brought it about.

CHAIRMAN: And --- and I say that because it is important. It is absolutely critical that we're not --- that we not place false or put ghosts in the process and that all of our work is transparent and accountable. I respect and --- I respect and expect that many unions will have some resonance and will not support the process but that doesn't --- but the fact that a citizen's police review board does not impact by law the issue of collective bargaining in any way less or to my understanding and my experience in the collective bargaining process.

MR. HARRIS: Councilman Walton, I --- I wouldn't try to pass myself off as a labor law expert but my understanding is talking about working conditions when you talk about collective bargaining. And as Assistant Superintendent Bryant said, if the political bodies involved pass laws to confine themselves to an authority like this that is about the democratic process. It's not about working conditions.

CHAIRMAN WALTON: Thank you. And with that --- with that being said ---.

MR. KLEIN: With that being said, we'd like to turn to the public comment portion of the program. And so I believe we have five people who had signed up and 10 people who have been signed up. And so, Mr. Barker?

CHAIRMAN WALTON: And we do want to thank them.

MR. KLEIN: And --- and yes, we'd like to thank you very much for your comments and insights, it will really --- really help us make some good choices.

(Applause.)

MR. KLEIN: Mr. Harris' podcast criminal justice, it's very, very good and he has been teaching criminal law for a number of years and thank you for your expertise and knowledge for so many years and we thank you so much for that.

CHAIRMAN: If you would like to stick around too and listen to the public comments.

(Applause.)

MR. KLEIN: So with that, I'll turn it over to Mr. Barker to call the public to step up and offer their comments. Please observe your time so that everyone who would like to speak will have an opportunity to do so. For those who might have something to say but haven't signed up or would like to put something in writing and send it to the Allegheny County Council. We certainly encourage you to that.

MR. BARKER: First up will be Robert Maddock.

MR. MADDOCK: Good evening, Council Members. I'm glad to have the chance to speak with you. My name is Bob Maddock. I live at 3226 East Street, Pittsburgh, 15214. I'm reading my remarks although I've written my remarks I would like them to be presented to you.

So all I'm going to say is, when the citizen's police review board was first proposed --- it was proposed to City Council. As you may know, City Council voted it down and the people from City Council and people from the city decided that we are going to put this to a vote. And I was one of those folks who felt it should have been put into place 20 years ago. Well, I was being kind of skeptical about whether this was going to really work.

If this was just an African American proposal, well, it turned out it was to be the wish of the elective people in the City of Pittsburgh, of all races who felt that there were problems between them and the Pittsburgh police. And so we got on the ballot and we passed it on the ballot. It was on the ballot because the people of Pittsburgh wanted it and felt that this was something that needed to be done. And I cannot believe that the people in the County would also like to have something like this and I would urge you to re-consider what the possibilities are of making this come to pass. Thank you very much.

MR. KLEIN: Thank you.

MR. BARKER: Next up, Michael Pastorkovich --- or perhaps not. Next up, Erica Yesko also pass. Next up, Dolores Swensson.

MS. SWENSSON: Good evening. My name is Dolores Swensson. I live in Pittsburgh, I live in Squirrel Hill, in Pittsburgh, 15217. I'm a member of the public safety task force. We need a public safety between the police and communities. To maintain this trust, to face the

enemies we need to identify the issues. Such an entity can also work to ensure procedures to the public. We have, most recently the case of Antwon Rose as an example to break down that trust. Again, for the public safety we need to pass the citizen police review board. Thank you.

MR. KLEIN: Thank you.

MR. BARKER: Next up, Darnika Reed.

MS. REED: I'm Darnika Reed. I'm a community ---.

MR. BARKER: Darnika, move back from the microphone.

MS. REED: Could you hear me now? I'm Darnika Reed. I'm a community organizer with the Pennsylvania --- Network and I'm also the educational advocate and organizer for East Corapolis. So first it was mentioned that when people would like to file a complaint they often don't know where to go. I --- when we have some complaints about police brutality we want to bring children education in the schools.

And in the past year, I had to file a complaint against a police officer and it was pretty awful, but nobody else wanted to do so. So I had to deal with it. And I also deal with issues in children's schools for various different reasons and I think --- Ms. Pittinger had mentioned yesterday that Pittsburgh school that I received a call and had to help a family because their school district had an issue with the local police department where they wanted the child out of the district because they didn't want to educate a child.

So we have to understand that in some cases, these police officers are administrators in schools. So we have to understand what that means and a parent needs to be there for that reason as well. Thank you.

MR. BARKER: Next up, is Mike Spagnoletti.

MR. SCANGELETTI: Hi, my name is Mike Spagnoletti. I live in Shaler Township. I want to tell you I'm not in favor of the proposal and I'll tell you a few reasons why. First of all, it's only going to effect the Allegheny County Police which I have worked for for over 25 years. As a command staff, we're very responsive to the community and currently you're holding these four meetings in areas where the County police don't spend a lot of time, McCandless, South Park, Wilmerding, Moon Township, Harrison Township and you're holding these

meetings in a town where it's hard for people to make it to these meetings.

The fact is, and you talk about collective bargaining, but the truth is is that the city fee --- now the Allegheny County has its own residents with over a million of them living outside the City of Pittsburgh and a hundred and some different police departments. So the cost is going to be much greater than what the city cost is. In addition, you're going to have pay officers things like overtime, court appearance, you're going to have to pay for them and the call outs, you're going to have to pay them. So that's going to be involved in it, too. So the cost is going to be dramatically higher. And the truth is, is that most of the departments that need it are going to be responsible for this cost.

And the other truth is, is there are communities like Avalon that are screaming for help. They need officer, they need full time officers. There's a lot of good officers in a lot of different departments out there. This money would be better spent on body cameras, additional officers, currently we have --- we have three dozen or more officers less on our department with the County police then we did when I came on. What do you think we can do if we had more officers we have the need to help out East Pittsburgh, North Braddock and other Pittsburgh areas. We should be trying to be a party to put more officers --- not necessarily part time officers, but maybe increase the County police or some of the neighboring departments that have better departments and help all the requirements you ask for. If you want to go ahead and run or do you want to look at the departments, look at the other things that you could fix. Thank you.

MR. KLEIN: Thank you.

MR. BARKER: Next up, is Doug Connor.

MR. CONNOR: Hi, my name is Doug Connor. I want to say thank you to Council.

CHAIRMAN WALTON: Where do you live?

MR. CONNOR: I live in Swissvale, 17 year resident of Swissvale. What I'd like to share this evening is an editorial in the --- the Chicago Sun-Times, and it says it's about who's watching when the police use deadly force in the suburbs. And basically, there going through the same problems throughout the Country, a lot of counties and municipalities and the answer to these problems is not to continue what we're doing but we have

to change in order to make things suitable for what is taking place in a lot of cities with education.

Here, it's a series of investigation --- investigative reports this month by the better government Association looked into 113 shootings in the suburbs in Coal County since 2005. They found that not in a simple case was there any disciplinary actions against the officers involved, often the shooting was justified but complete lack of disciplinary action suggested police involved in shootings in suburbs were not being properly questioned. And I'm not just talking about police shootings, we are also talking police conduct --- police misconduct.

And some of these things get overlooked and --- I think have been for years and I think that some of the conduct by some of those police officers that I've dealt with isn't appropriate and I --- I am a citizen of a city and a lot of times when I'm dealing with a police officer, those basic rights are not dealt with properly. Thank you.

MR. KLEIN: Thank you.

MR. BARKER: Next up, is Alicia Salvateo.

MS. SALVATEO: Hi, my name is Alicia Salvateo and I'm here to register and I'm in support for the Citizen Police Review Board and check with the police investigate police violence. These counties of course include Antwon Rose family's needs. There is no denying the fact that we need accountability. So we need investigations. We need to make sure that police are being held accountable for their actions. We need to have civilian oversight board over the Allegheny County police departments to challenge discipline policies, we need to have budgets for investigations on them, setting departments --- setting department priorities and the right to subpoena officers.

East Pittsburgh and other municipalities have no policies or procedures for the handling --- change policy when they hired an officer with a history of excessive force and background reports. So while the municipalities mention the cost being so great we need to find a way to fund it. Additionally, to the members that are democratically leaders and officials, Allegheny County is changing and as a result people have been forced out of the city and we need to prepare for that.

CHAIRMAN: Thank you.

MR. BARKER: Next up, is Khalid Raheem.

MR. RAHEEM: Good afternoon, Council. Thank you again for your presence and thank you again for the meeting of series one in the series of four. I just would like to make a few comments. First of all, the speaker before me, everything she said, I definitely agree with it and I give her support. I'm going back to some of the questions and some of the commentary from before the physical cost.

I think we need to look at the impact of litigation fees, if we don't change and make this world strong so we can make these police accountability and doing the right things. I think we also need to go to the loss of revenue and money in terms of future regional development. We want to make Allegheny County a County that other Counties can look at and admire. We're really losing our population here. We don't have the type of diversity in our current population and then to the fact that we don't seem to be welcoming to black people, to brown people, to Asian folks.

So we have a population here that is educated and many of them are students and go to our universities and colleges. We have to work guarantee their safety and rights. Also quickly, if we can look at an example of perhaps a County where they can increase people. If you look at Philadelphia, Philadelphia definitely in the past incorporated the city and the county together. So let's look at the possibility and exam it and see the oversight of Philadelphia problems in the city as well as the county.

The other thing we talked about, biased. In this time of institutional struggle biased against black people or lower income people in the criminal justice system. So for me and my two cents, I think our board should get away from being mushy and pushy. It has to have some degree of adversarial --- in order to really keep safe the rights for the people that come in front of the criminal justice system, ones that get arrested or ones that receive violence by a police officer. So thank you very much for your time, your energy and again --- once again, I'm going to salute you.

MR. KLEIN: Thank you.

MR. BARKER: The last speaker who signed up is Nathaniel Myers.

MR. MYERS: I wasn't planning on speaking. I came here mostly for information to understand the process for the county to make decision. I'm live in Fox Chapel, 15238. I want to say that the presentations by Assistant Superintendent Bryant and Mr. Harris were sensational. I think they covered most of the issues why they are here and why we think that a review board is a good idea because I do because now is the time where you have to have mutual trust in the City of Pittsburgh. Maybe not in Fox Chapel, but in Pittsburgh.

If I get pulled over by a policeman, my heart rate certainly goes up and I think the perception of voice-less-ness and much trust that some people don't have and in creating a board would be a sensational time to try and put things together. I think that what we talked about the other municipalities were talking about what kind of incentives it would be for them to get smaller communities in. In this period of social action, if you are in front of it and get the County to create a board and then you kind of invite the other communities in and ask the team workers committees to potentially put referendum on the municipalities. The pressure for those smaller municipalities to join, obviously there are some financial cases but I think you have a period of social pressure where the communities that have been staying out will find themselves in trouble.

So I think you guys are to be commended but not is definitely the time to not --- to cut corners. We hope that it will not just be the Allegheny County police and I think if the people can get everyone involved and the pressure needs to start now. Thank you.

CHAIRMAN WALTON: With that being said, we want to thank our Chairs again, Mr. Harris and Ms. Bryant and the public comments. Last night and tonight, I think were exceptional, there were a variety of views and perspectives shared and a host of information that we need --- that we need to hear so that we can go back as a Council and begin to have internal discussions which we will at the conclusion of our September meetings and try to come up with a solution that generates the majority of Council.

We thank you. We urge you to continue to share the upcoming meetings with your friends, with your colleagues and we hope that again, we are providing the kind of a leadership of Council that our residents in

Allegheny County so desperately deserve. And I'll end with a comment from Thomas Jefferson, what do we want --- what do the citizens want, life, liberty and the pursuit of happiness. Thank you.

(Applause.)

MR. KLEIN: I --- I'd also like to thank all of you for caring enough to come out tonight and I would like to comment, we are conducting these meetings and public hearings with an open mind, fully aware of the concerns that the County --- an interest in the process might have. Our goal was to listen to all of you and to hopefully resolve this. And create some space for thoughtful dialog in our communities. So that we might going forward --- will help heal the society wounds. The society wounds were inflicted on that day, two months ago in East Pittsburgh. So thank you from the Allegheny County Council and we really appreciate your being here and we welcome your inputs. So thank you.

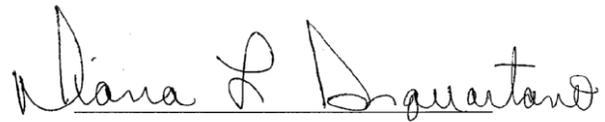
(Applause.)

MEETING CONCLUDED AT 7:00 P.M.

CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

Dated the 22nd day of October, 2018

A handwritten signature in cursive script, reading "Diana L. Inquartano". The signature is written in black ink and is positioned above a horizontal line.

Court Reporter

Diana L. Inquartano