

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

John DeFazio	-	President, Council-At-Large
Nicholas Futules	-	Vice President, District 7
Samuel DeMarco, III	-	Council-At-Large
Thomas Baker	-	District 1
Cindy Kirk	-	District 2
Anita Prizio	-	District 3
Patrick Catena	-	District 4
Sue Means	-	District 5
John F. Palmiere	-	District 6
Paul Zavarella	-	District 8
Robert J. Macey	-	District 9
DeWitt Walton	-	District 10
Paul Klein	-	District 11
Robert Palmosina	-	District 12
Denise Ranalli-Russell	-	District 13

Allegheny County Courthouse  
Fourth Floor, Gold Room  
436 Grant Street  
Pittsburgh, Pennsylvania 15219

Tuesday, August 27, 2019 - 5:00 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.  
429 Forbes Avenue, Suite 1300  
Pittsburgh, PA 15219  
(412) 232-3882 FAX (412) 471-8733

IN ATTENDANCE:

Jared Barker - Director, Legislative Services  
Jack Cambest - Solicitor  
Richard Fitzgerald - County Executive

PRESIDENT DEFAZIO: The meeting will come to order. Will you all rise for the Pledge of Allegiance to the flag and remain standing for silent prayer or reflection. After me ---.

(Pledge of Allegiance.)

(Silent prayer or reflection.)

PRESIDENT DEFAZIO: And roll call.

MR. BARKER: Mr. Baker?  
MR. BAKER: Here.  
MR. BARKER: Mr. Catena?  
MR. CATENA: Here.  
MR. BARKER: Mr. DeMarco?  
MR. DEMARCO: Here.  
MR. BARKER: Mr. Futules?  
MR. FUTULES: Here.  
MR. BARKER: Ms. Kirk?  
MS. KIRK: Here.  
MR. BARKER: Mr. Klein?  
MR. KLEIN: Here.  
MR. BARKER: Mr. Macey?  
MR. MACEY: Here.  
MR. BARKER: Ms. Means?  
MS. MEANS: Here.  
MR. BARKER: Mr. Palmiere?  
MR. PALMIERE: Here.  
MR. BARKER: Mr. Palmosina?  
MR. PALMOSINA: Here.  
MR. BARKER: Ms. Prizio?  
MS. PRIZIO: Here.  
MR. BARKER: Ms. Ranalli-Russell?  
MS. RANALLI-RUSSELL: Here.  
MR. BARKER: Mr. Walton?  
MR. WALTON: Here.  
MR. BARKER: Mr. Zavarella?  
MR. ZAVARELLA: Here.  
MR. BARKER: President DeFazio?

PRESIDENT DEFAZIO: Here.

MR. BARKER: All 15 members are present.

PRESIDENT DEFAZIO: 11189-19 will be read into the record.

MR. BARKER: 11189-19. Certificate of Recognition presented to South Fayette Township for uniting citizens, hosting businesses and promoting community spirit during its 2019 Community Day Celebration

on August 24th, 2019 at Fairview Park. Sponsored by Council Member Catena.

PRESIDENT DEFAZIO: Public Comment. Do you want to read out the speakers?

MR. BARKER: We have a number. First up is Vincent Johnson.

AUDIENCE MEMBER: There was quite the hold up downstairs for him to get through.

MR. BARKER: Mr. -?

PRESIDENT DEFAZIO: Well, we can go back if he ---.

MR. BARKER: Okay. You want to go on to the next one?

PRESIDENT DEFAZIO: Well, go back. Yes.

MR. BARKER: Second would be Marie Norman.

MS. NORMAN: Thank you. Thank for allowing me to comment and thank you in particular to Councilman Klein and Councilman Walton for proposing the creation of an Independent Citizens Police Review Board in Allegheny County.

Since Michael Brown was killed in Ferguson, many of us have woken up to what people of color have known all along, that the murder, beating and harassment of citizens by police is far, far too common.

We've seen John Crawford, III shot at a Wal-Mart for holding a BB gun sold on the Wal-Mart shelf. Philando Castile shot for reaching for his driver's license and registration when he was asked to. Tamir Rice, 12, shot for playing with a toy gun in the park. Antwon Rose, 17, shot in the back while running away. And so many others; Rekia Boyd, Jonathan Ferrell, Sandra Bland, Walter Scott, and the list goes on.

Alarmingly, the rates of police shootings have gone up not down since Ferguson. Cell phone, dash cam and body cam footage show police officers responding to minor incidents in ways that incite rather than deescalate violence. We've seen numerous incidents of police planting evidence, falsifying reports and committing perjury. And the reports of police involved with hate groups, posting racist memes on social media --- and there were 72 officers recently implicated in Philadelphia --- are particularly chilling in light of the fact that unarmed African Americans are two times more likely to die at the hands of police than unarmed Caucasians.

The public trust in police hasn't just been eroded, it's been shattered. We need immediate action to restore trust and rebuild the relationship between police and the public, not just for the sake of the communities most damaged by police violence, but for the sake of the police themselves.

I believe that most police officers are good people just trying to do their jobs. It is these police officers who have the biggest stake in ensuring that corrupt and violent police are identified and fired. It's their interests, most of all, to make sure that the communities that they police see them as friends not enemies.

Yet police do not police themselves as we've seen over and over again. In fact, 52 percent of police officers admit to ignoring improper conduct from other officers. Because the police culture of closing ranks so often keeps bad cops on the street, we desperately need an independent Civilian Police Review Board to collect, assess and act on reports of police abuse before these patterns turn deadly.

The cost of an ICPRB is trivial compared to the costs incurred by cities that fail to provide proper oversight. New York City just spent \$230 million to settle police misconduct lawsuits. Philadelphia is looking at over 300 lawsuits against its corrupt narcotics squad, and the price tag for just three of those cases would cost the city \$24 million. Far more importantly, there's the cost to communities in lives lost, trauma incurred and the loss of faith in public institutions.

But here's the good news, this bill gives you a rare opportunity to make a real difference, to take bold actions and fix a broken system and restore the public trust in law enforcement. Please vote for the Independent Civilian Police Review Board. It's long past time and it's the right thing to do.

(Applause.)

MR. BARKER: Next up is Carol Balance.

MS. BALANCE: Good afternoon members of County Council. I'm Carol Balance. I live at 190 Kildee Drive, Wexford, 15090. I've been a resident of Pine Township for 39 years. I am Chair of the Public Safety Task Force of the Pennsylvania Interfaith Impact Network or PIIN.

We support the Independent Police Review Board. A national poll conducted by the Cato Institute in 2016

found that 46 percent of Americans say the police are generally not held accountable for misconduct, but 79 percent of Americans support having an agency to conduct these investigations. So that is clear majority. It is the right thing to do.

My community is not experiencing problems, but some of my neighbors are. One part of this bill offers communities the option to have their policies, procedures and practices reviewed. This will help improve law enforcement agencies before they next bad situation happens. This could save lives, public embarrassment and ultimately money.

This proposed bill protects law enforcement officers as well. They can be falsely accused of misconduct. We recognize that police work is challenging and dangerous. They don't need to be burdened by false accusations, but we do need a mechanism to resolve such conflicts. This will also give the public a means to vent their frustrations, I guess, with police.

In the long run, the goal is to build trust. We increase trust, we improve public safety. And citizens who trust their law enforcement officers are more likely to report what they see and hear, which makes everyone safer.

This legislation is designed to help everyone in the County. It is very broadminded with the opt-in our opt-out provision. With 100-plus law enforcement agencies, we know that not all communities are in the same position. I live in the northern region of the County which has a multi-community police force. They are better able to have full-time officers, better procedures, policies and training. However, not everyone in Allegheny County is in that boat, and they are all our neighbors.

We feel it is our duty to create this Board to help everyone live in safer communities. As Mr. Rogers said, won't you be my neighbor? Please do the right thing and pass this legislation to make all of Allegheny County a safer place to live. Thank you.

(Applause.)

MR. BARKER: Next up is Harry Liller.

MR. LILLER: Back in June here, I brought up my proposal for a Civilian Police Review Board. The TV stations, the Post-Gazette will never tell you, this is the most corrupt county in the whole country. The black newspaper endorsed my Civilian Police Review Board.

Walton and Klein's proposal lets the police opt-out. My plan says the Attorney General, the County Sheriff, the County District Attorney have members on the Board. So every police department in this County is accountable and be part of it. They would never vote for it. Fourteen (14) white people would never vote for it. They will not put it on the ballot. Let us vote for it. That's what we had to do in Pittsburgh 20 years ago. How come Channel 4 won't let Sheldon Ingram interview me? The white TV stations will not let the black reporters tell the story. The black reporters have to betray the black community for their racist white bosses. This is how corrupt everything is. I keep trying to tell you over and over again. We have to put it on the ballot. These 14 white people don't give a crap about us.

The Pittsburgh Police brutalized my sister, gave her death threats and the media laughed at us. I made Alan Hertzberg change his position to create the Pittsburgh Civilian Police Review Board, but they can only advise. My plan makes them accountable. These people are not accountable. They protect the corruption.

Allegheny County had seven police chiefs commit criminal acts. I brought this up before. The last two County Sheriffs were criminals. His brother is one of them. And for the past 20 years he's been evil and ignorant with me. Yeah, look at that little grin. You've been evil and ignorant - evil and ignorant to me. I've never met before. What'd you do in life to do all these evil things to me? And he's going to say no, I didn't did anything. He had four deputies on me just two months ago.

This is how terrible is. Let us put it on the ballot, but the County Election Board told me they're not going to do it. We got to get the signatures. They are so corrupt they don't care about us. These TV stations they're just as corrupt. You know why, money.

Politicians spend millions of dollars on television commercials. I'm just a disabled veteran that sacrificed for this country and you all treat me like crap. I'll see you all on judgment day so the media can't protect you. Yeah.

(Applause.)

PRESIDENT DEFAZIO: Next?

MR. BARKER: Next up is Laura Perkins.

MS. PERKINS: Hello. My name is Laura Perkins. I work at Casa San Jose which is a Latino - a Latino

nonprofit here in Pittsburgh. I'm here representing undocumented people that are not represented in most aspects of our society.

This Civilian Police Review Board is absolutely necessary for our community, for the community of undocumented Latinos here in Pittsburgh because they are taken advantage of on a regular basis. Because they're undocumented, they --- they fear to report crimes. They don't have the same protections that other people have, especially --- not in Pittsburgh, but in the surrounding areas. And so when someone is a victim of a crime and they're scared to report crimes and they're scared to interact with police at any level, we need someone else to be there for them. Right? We need people to protect the brown and black community that are attacked on so many levels. Right?

I see John DeFazio, he's here and he's also on the Allegheny County Jail Review Board. And I see you smirk at both of them and we don't appreciate how you treat the brown and black people on these Boards. They need to be represented equally and not just by white people. Okay.

So we need this for our undocumented community. We need this for our trans community. We need this for our brown and black community. Thank you very much.

(Applause.)

MR. BARKER: Next up is Deborah Bogen.

MS. BOGEN: Practically speaking, for a police force to be effective it has to have community buy in. And one way to get that is to have a community involved Independent Review Board.

Concerns have been raised that those of us who favor the proposed Review Board may be anti-police or anti-enforcement. As a citizen who favors this Board, let me say that I'm neither anti-police nor anti-enforcement. I'm grateful that we have men and women willing to undertake this difficult and dangerous job. I'm in favor of enforcing our laws. But I am anti-abuse of power, police power or otherwise. And I believe that the establishment of a citizen involved Review Board will address realistic concerns people have about this.

In establishing a police force, we give individuals very strong permissions to impose themselves in situations that are often volatile, confusing, dangerous and immediate. When these situations involve

the use of weapons that can produce serious injury or course, final death, it is not anti-police to feel concerned. If a police officer gives me a legal directive I am not at liberty to decline. I am not the one in charge. The officer is.

This is reason enough to hold police officers to the highest standards and to demand that their actions be the kind that can stand up under review. An --- pardon me. An Independent Review Board will benefit the public and the police force by providing a place where concerns can be raised without --- without --- outside a courtroom. Financial and other impacts will be lessened when we provide an arena where citizens know that they can be heard and where they feel the objectivity of a third party can be relied on.

The phrase the fabric of society is actually a good metaphor. Right now the fabric creating a healthy community here in Allegheny County, one that considers the concerns of citizens and police officers is frayed, and you might even say it's near the point of tearing. A stitch in time is needed. And one thing we can do is establish a Review Board that includes citizens as critical partners in assessing how policing is being done in Allegheny County.

There are no professions made up entirely of good actors. And the stress of police work makes it even more likely that at times actions might be taken that undercut what the Department as a whole intends.

For a policing force to be successful it has to have community buy in. It has to have it. And now we're saying we need it and we need it in this form. Please pass this.

(Applause.)

MR. BARKER: Next up is Michele Feingold.

PRESIDENT DEFAZIO: Say that again. I don't know if they heard you.

MR. BARKER: Michele Feingold.

MS. FEINGOLD: Sorry. I just ran up four flights of stairs.

First, thank you to Councilman Klein and Walton for introducing this very important bill that starts us down the road toward uniformity and oversight in the County while allowing municipalities the freedom to opt-in. Council members like you show that elected officials can actually be public servants.



We need more uniformity in policing practices and standards across the many local police departments in the County. And those standards must be subject to civilian oversight. A diverse panel of civilians would serve as a buffer and translator between multiple law enforcement agencies, prompt better relations with the general population and serve to recommend corrective action when problems occur.

The proposed independent Civilian Review Board would move us one step closer to holding no one above the law, reducing racial disparities and making us all safer. Objective effective oversight of any organization can only come from outside that organization. We all know, or should know, that racial bias is at least as prevalent among law enforcement as it is in society as a whole, often with lethal consequences.

Just read the research based Vanity Fair article, which I'm going to pass to you, what the data really says about police and racial bias from July 14, 2016. We need a cultural change in the country, and we need a cultural --- change in policing in this County. We need the police, and we need to know they serve us all equally and responsibly. There's absolutely nothing about oversight that is anti-law enforcement. On the contrary, the absence of credible independent oversight eliminates the possibility of public confidence in law enforcement, especially among marginalized communities resulting in fewer people being willing to report crime and testify in criminal cases and it results in the entire force being painted with a stained brush.

The byline of NACOLE, the National Association for Civilian Oversight of Law Enforcement is, quote, building trust through law enforcement accountability and transparency. Honestly, what can anybody have against accountability and transparency? According to NACOLE, police oversight can benefit not only the --- the individual complainant, but also the larger community, police and sheriff's departments and even elected or appointed official. The key question is whether the oversight system is sufficiently independent in terms of political, professional and financial independence and authority to do what is needed and what is asked of it.

Is expense an issue? Sure. But as NACOLE points out, if the investment is made and pays off in improved police performance, it should help identify high

risk law enforcement employees, reduce litigation against the city or county and lower the amount of damage awards. In short, the program may help pay for itself. The system paying for itself would be the icing on the cake of greater justice, an end to police impunity and racial disparities and it creates trust in the system. Thank you.

(Applause.)

MR. BARKER: Next up is Martina Jacobs.

PRESIDENT DEFAZIO: I don't think they heard you.

MS. JACOBS: I'd also like to thank Councilman Klein and Walton for proposing this ordinance.

I am Martina Jacobs, a Point Breeze resident. Although a transplant from Erie, I've lived and worked in Pittsburgh for 45 years. I love Pittsburgh most because of its diverse cultures and the celebration of these cultures.

Immigrants came to Pittsburgh to escape difficult conditions and establish a new beginning. By looking at you, the Community Commissioners, I can see the success that has been achieved. As we recited in the Pledge of Allegiance, I'm also struck by the words with liberty and justice for all. The phrase makes me think of another group of people who first arrived in America in 1619, even before the pilgrims.

These 20 people were brought here against their will and sold to colonists. This forced migration and the 250 years of slavery that followed has made their acceptance and success much more difficult.

The proposed Police Citizens Review Board would give all citizens a voice, especially our African-American citizens. If you have not yet done so, I also would encourage you to connect with the National Association for Civilian Oversight of Law Enforcement. Its mission has --- has been stated as building public trust through law enforcement, accountability and transparency. This organization has shown that police oversight can benefit not only the individual, but also the larger community, police and sheriff's departments and even elected or appointed officials. But the actual benefits depend on how well the involved groups work together and the type of model implemented.

Mediation has multiple benefits to both citizens and police officers. If needed, aided solutions are

provided. Citizens can feel satisfied at being able to express their concerns in a neutral environment. The process can also help police officers better understand how their words, behaviors and attitudes can unknowingly affect public perceptions.

Although Ordinance 10909-18 currently covers only the County police department, any of the more than 100 law enforcement agencies in Allegheny can opt-in. The Ordinance thus has the potential for broadening public trust throughout the County.

I urge you to pass 10909-18 and allow the voices of Allegheny County residents to be heard. You have the power to foster a County that embraces all --- embraces all and stands up to the motto stronger than hate. Thank you.

(Applause.)

MR. BARKER: Next up is Darrell Rapp.

MR. RAPP: Hi. Thank you, County Council for inviting the public to make their opinions known about this possible legislation.

I provided oral testimony in Duquesne University and written testimony as well. There were, I think, four or five points in that --- in that written testimony so I hope --- and that was almost a year ago, so I hope you've had a chance to --- to review that and take action on --- on some things.

As some of you may know, I am a member of the Borough Council in Swissvale and I am looking forward to and hope that we will be able to participate in the --- and have access to the expertise and the accountability that a Civilian Police Review Board will provide.

Now, what I want to say is if anyone thinks that an elected member of a council can be independent and provide true expert oversight of our police --- of our police department within our own community, that's just not going to happen. And we, as council members, do not have the knowledge and experience to be able to carefully analyze challenging situations that may have been violent and --- and other things. And that's where having staff with the expertise to advise us and provide input and so forth will be extremely valuable.

There have been also calls that --- a small municipality of 10,000 people like Swissvale might join or other municipalities that are even smaller might join the City of Pittsburgh, their Civilian Police Review Board.

Now, in that situation, the --- the City Police Review Board is well experienced with all of the rules and so forth of the City of Pittsburgh, and a community of 2,000 or 3,000 people will be outside their experience. This Board will have experience with small and medium sized towns from 1,000 people up to 30,000 people. That kind of experience in the diversity of our communities will be very helpful.

And what I had asked, one thing that I want to reiterate in my --- is that I asked each of you to talk to your constituents, but not constituents that look like me and most of you. Most of you should be ---

(Applause.)

MR. RAPP: --- looking to talk to your constituents who look like Antwon Rose, who looks like ---

(Applause.)

MR. RAPP: --- many of the other African-Americans who have been killed and injured and so forth. And if you haven't done that, what I might encourage is to pause on this legislation so that maybe you have another month to do some of that. I would greatly like to see a unanimous vote tonight or maybe next month to support this and implement this. It would demonstrate great leadership and the --- the support for justice for all that everyone in Allegheny County deserves. Thank you.

(Applause.)

MR. BARKER: Next up is Tara Biddings.

MR. FUTULES: She's coming.

MS. BIDDINGS: I said I wasn't going to speak tonight, but this is just too much important.

Two and a half years ago I was in a coma for a month, only to find out I was poisoned with antifreeze. And my case was with my jurisdiction for three --- three days and passed over to Allegheny Police, and it sat up in homicide for eight months.

It's two and a half years later and I'm still fighting. I went every --- everywhere the sheets say that you're supposed to go, I've done. I've called the Attorney General's Office. I've talked to Mr. Zappala February the 25th, handed in my paperwork March the 13th. Haven't heard from him.

This --- the system is a mess and it needs cleaned up. My house was cleaned out while I was in hospital. He said he should have took more out of my

house in front of the DA, in front of --- in front of the victims advocate and in front of the judge, and they dropped my case.

I want to mention these names. I watched these cases as I investigated my case, Dakota James, March of 2017, Mark Daniels, February of 2018, Antwon Rose, June of 2018, Marquis Brown, October of 2018. All of these cases were mishandled. We need a Citizens Review Board. Thank you.

(Applause.)

MR. BARKER: Next up is Sarah Hooper.

MS. HOOPER: Thank you for the opportunity to speak to you. My name is Sarah Hooper and I live in Pittsburgh and I have five young children and I'm a small business owner.

I think that we can all agree on three things. Public safety is essential to healthy communities. Second, law enforcement needs the community support. And third, in order for police to do their jobs effectively, there must be trust between communities and police. This is why I wholeheartedly support the passing of the Independent Police Review Board Bill today.

I also support law enforcement. I have friends and family who are police officers, and I have a friend and former employee who pursued her dreams to become a City of Pittsburgh policewoman, and I know she's passionate and committed to her work. I support any resources and training that increase our policewomen and men's ability to prevent violence and serve our communities. I believe that the creation of the Independent Police Review Board will benefit both our citizens and our police and enable our police to do the important work of keeping our community safe.

Over the years, trust has been eroded between many community members and the police. This distrust has grown both in our communities in Allegheny County and nationwide. And it will only start to heal when substantive action is taking by our leaders. Allegheny County has an opportunity for leadership by taking the initiative to restore trust and to help heal the divisions.

The enactment of an Independent Police Review Board is a positive step in the right direction for improved trust and enhanced public safety for all citizens in our area. This is not a partisan issue, and while it

is complicated, the benefits far --- outweigh the risks. A vote in --- in support of the Independent Police Review Board is a vote for improved public safety and health for all residents of Allegheny County.

As a person of faith, as a mother and as a small business owner in Allegheny County, I ask you to vote in favor of this Bill.

(Applause.)

MR. BARKER: Next up is Robert Howard.

MS. KENNEY: I got a question and you can evict me after this if you want. But I want to know how this is not worthy of the President's time and other Council Members on the phone?

AUDIENCE MEMBER: Thank you. Thank you.

(Applause.)

AUDIENCE MEMBER: Thank you.

MS. KENNEY: He's not even --- it's totally disrespect.

AUDIENCE MEMBER: That's right.

MS. KENNEY: Totally disrespectful.

MR. FUTULES: The President is in the bathroom, ma'am.

MR. WALTON: Well --- and that's ---.

MS. KENNEY: It is disrespectful.

AUDIENCE MEMBER: They're not used to the public being ---.

MR. FUTULES: Hey.

MR. WALTON: You know what ---?

MR. FUTULES: No. I don't think we should be responding here because we're not allowed to comment to people in the audience here. No.

MS. KENNEY: I'm not people. I'm Antwon Rose's mother.

MR. FUTULES: I know who you are. You're out of order.

MR. WALTON: Nick?

MR. FUTULES: You're out of order at this time, ma'am.

MR. WALTON: Nick?

MS. KENNEY: It's the nation's social ---.

MR. WALTON: Mr. Vice President?

MR. FUTULES: We don't allow people to jump up in the audience and start yelling things.

MR. WALTON: Mr. Vice President?

MR. FUTULES: What?

MR. WALTON: I move we recess for ten minutes.

MS. KENNEY: Amen.

AUDIENCE MEMBER: Amen.

AUDIENCE MEMBER: Amen.

AUDIENCE MEMBER: Yeah.

(Applause.)

MR. WALTON: The president is back. I'll withdraw my motion.

MR. FUTULES: We need eight votes.

MR. WALTON: The President's back.

MR. FUTULES: We need eight votes for a recess. Is that correct?

MR. BARKER: President DeFazio has returned. Mr. Walton is withdrawing his motion. There ---.

MR. FUTULES: He has no clue what's happened just now.

Mr. President, we have a motion on the floor to recess for ten minutes.

MR. WALTON: It's withdrawn.

PRESIDENT DEFAZIO: It's withdrawn?

MR. WALTON: It's withdrawn. The motion is withdrawn, Mr. Vice President.

PRESIDENT DEFAZIO: Okay.

MR. HOWARD: Robert Howard and I'm from Marshall Township. Good evening.

When it comes to the Ordinance to create an Independent Police Review Board, it is time for honesty. It is time to expose what is going on and how certain members of this Council are exploiting a tragic situation --- and citizens desperate for police reform and accountability.

Your job as elected official is not to --- is --- is to go into the communities and solve problems and not to create --- and not to create and fund another board to further employ a legal profession, exploit victims and silence discontent in your communities. You know which communities are most likely to have another unfortunate situation. You know the communities where the police are underpaid, understaffed, without proper use of force policies and adequate training. Your job is to go into these communities, and some of you represent directly, and to work and solve these problems.

This is what the citizens of these communities deserve. Enough of public grandstanding, glad-handing and going home to smoke cigars. It is time to stop exploiting

people and start working for them. Don't subject the entire County to more taxes and voluminous reviews by appointed busybodies. Don't subject our local police forces to second-guessing and potential harassment just because you can't perform the job you were elected to do.

A vote for this ordinance is a vote for your responsibility, not a vote for justice. Thank you.

(Applause.)

MR. BARKER: Next up is Jay Walker.

MR. WALKER: Hi. My name is Jay Walker and I'm the Chair of the Green Party of Allegheny County. I represent more than 1,000 registered Green Party members who reside in this County. Our party endorsed an Independent Review Board last September because it exemplified three out of the four pillars that form the foundation of our party.

One of the four pillars is nonviolence. That includes police violence. We approve that the presence of an Independent Police Review Board will reduce the incidences of police violence like we've seen in the City of Pittsburgh after our Review Board was created.

The second pillar of our party is grassroots democracy. That means that our government and the agents of our government are accountable to the people. A Civilian Oversight Board provides some of the much needed accountability, building faith in our civic institutions.

The third pillar of our party is social justice. Across the county --- across the country we see countless examples of justice being left at the wayside when it comes to cases of police violence. Having an oversight body that applies countywide would reduce the massive racial disparities that exist in policing.

My party has experienced a case of police run rampant in our County. When --- when one of our top candidates were gathering signatures in Moon, his wife was forcibly arrested by the Moon Police. Now after the unjust arrest from the Coraopolis Police, countless court dates, multiple undeserved prison stints, we've completely lost what little faith we had --- what --- what little faith we had in the criminal justice system in our County. We're experiencing the nightmare of being railroaded through the criminal justice system.

An Independent Police Civilian Review Board would have prevented what we experience and continue to experience. We can tell you that the judges, police and



councils in Moon and Coraopolis are anything but independent. The systems of checks and balances that are supposed to exist do not exist.

Place vote yes to enact this Review Board. The residents of our County deserve nonviolence, grassroots democracy and social justice at all level of government. Thank you.

(Applause.)

MR. BARKER: Next up is Marianne Novy.

MS. NOVY: Hello. I'm Marianne Novy. Can you hear me all right?

MR. FUTULES: Yeah.

MS. NOVY: Okay. Good. Thank you.

I would like to thank my Councilman Paul Klein for supporting this. I think it is real important.

(Applause.)

MS. NOVY: I'll start with an anecdote which is very far from what we've been talking about. More than a year ago, my husband and I went for a walk in the park, a park between Fox Chapel and O'Hara, and we got lost. And we looked around and we made our way through brambles and briars for about hour and our clothes were torn, and it was getting dark and we called the police. We couldn't think of anything else to do. The police showed up very quickly, and we were just so relieved and we were just so grateful that we could call on the police in this situation. So I'm not anti-police, believe me.

I know it's not easy to be a police officer, and all police officers know much better than I do that it's not easy. But when one of their own is in a conflict and the other person dies, they remember the time that they feared for their lives and they sympathize with the officer. But fear is sometimes excessive.

Research shows that many different objects, if they're held by black men, such as a cell phone or a pop bottle, are mistakenly believed to be guns. Young teenagers are repeatedly described as big and threatening. Distortions of fear can lead to death that the policeman responsible sincerely believed to be caused by self defense. But why does a young man like Antwon Rose, Jr. run from the police? He has seen deaths like this happen in his community. Even if you're following the policeman's directions, you're trying to get your driver's license, you can look suspicious.

We cannot afford to have our black neighbors and their children fearing that they won't live to grow up. People who are not policemen have to be on the watch to say that in this case or that, the policeman's fear led to unnecessary violence. His life was not really in danger.

A Police Review Board would provide this necessary check and motivate police forces to have better training, better relationships with their community, so that more people would feel that the police are their protectors. Thank you very much.

(Applause.)

PRESIDENT DEFAZIO: Do we have one more?

MR. BARKER: And we still have the one individual who signed up who wasn't present, he was first in line, Vincent Johnson.

PRESIDENT DEFAZIO: Vincent Johnson here?

MR. BARKER: Apparently not.

PRESIDENT DEFAZIO: What about the one who wrote the letter?

MR. BARKER: That actually is a non-agenda item.

PRESIDENT DEFAZIO: Okay. All right.

That's the end of the speakers then.

Correct?

MR. BARKER: Correct.

PRESIDENT DEFAZIO: All right.

Approval of minutes, we have any?

MR. BARKER: We have none.

PRESIDENT DEFAZIO: Unfinished business,  
11142-19.

MR. BARKER: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2019, Submission Number 03-19. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Klein?

MR. KLEIN: Thank you, Mr. President.

The Committee on Budget and Finance met on August 22nd to consider the approval of a grant from the PNC Charitable Trust Earl Knudsen Grant to purchase art supplies and crafts to be used in the family --- in the Family Law Center of the Family Division of Allegheny County Common Pleas Court.

Secondly, there was a grant as well from the PNC Charitable Trust Edith Trees Grant to update technology and complete renovations in the Family Law Center of the Family Division of the Court of Common Pleas.

I move at this time that Council adopt this Resolution.

MR. MACEY: Second.

MS. MEANS: Second.

PRESIDENT DEFAZIO: Under remarks?

Seeing none, we'll have a roll call vote.

MR. BARKER: Mr. Baker?

MR. BAKER: Yes.

MR. BARKER: Mr. Catena?

MR. CATENA: Yes.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.

MR. BARKER: Mr. Futules?

MR. FUTULES: Yes.

MR. BARKER: Ms. Kirk?

MS. KIRK: Yes.

MR. BARKER: Mr. Klein?

MR. KLEIN: Yes.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Ms. Means?

MS. MEANS: Yes.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. BARKER: Mr. Pamosina?

MR. PALMOSINA: Yes.

MR. BARKER: Ms. Prizio?

MS. PRIZIO: Yes.

MR. BARKER: Ms. Ranalli-Russell?

MS. RANALLI-RUSSELL: (No response.)

MR. BARKER: Mr. Walton?

MR. WALTON: Yes.

MR. BARKER: Mr. Zavarella?

MR. ZAVARELLA: Yes.

MR. BARKER: President DeFazio?

PRESIDENT DEFAZIO: Yes.

MR. BARKER: Ayes 14, nos zero. The bill pass  
--- the bill passes.

PRESIDENT DEFAZIO: 11177-19.

MR. BARKER: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2019, Submission Number 04-19. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Klein?

MR. KLEIN: Thank you. Thank you, Mr. President.

Again, the Committee on Budget and Finance at its meeting on August 22nd considering the following grants; a Grant from the Pennsylvania Commission on Crime and Delinquency for funding initiatives of Project Safe Neighborhoods; a second Grant from the Center for Disease Control Prevention on a fund to --- a fund to grow up a broad range of prevention activities associated with the current opioid epidemic; a third Grant from the National Institute of Justice to enhance laboratory capacity to combat the negative effects of the opioid presence; and then finally --- and this is a grant that is more personal for all members of the Council, a Grant from the Margaret Raphael Foundation in the amount of \$11,000 to be used to cover repairs and upgrades of the Allegheny County's Mounted Units 1998 Sundowner horse trailer.

The Margaret Raphael Foundation was established in honor of Margaret Stanley. Margaret Stanley was the Allegheny County photographer who captured every thrilling moment in this room for a number of years as well as other events around the County. Margaret died unexpectedly about two years ago. She was a great lover of nature's gentle creatures, including horses, and she was just a lovely person, a blithe spirit, if you will.

This grant is accepted with grateful appreciation and thanks for the opportunity to remember someone who we won't forget.

MR. WALTON: Second.

PRESIDENT DEFAZIO: You want to make a motion?

MR. KLEIN: And I would like to make a motion at this time ---

MS. PRIZIO: I second.

MR. KLEIN: --- that Council approve acceptance of these grants.

PRESIDENT DEFAZIO: Any remarks? Seeing none, we'll have a roll call vote.

MR. BARKER: Mr. Baker?

MR. BAKER: Yes.

MR. BARKER: Mr. Catena?

MR. CATENA: Yes.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.

MR. BARKER: Mr. Futules?

MR. FUTULES: Yes.

MR. BARKER: Ms. Kirk?  
MS. KIRK: Yes.  
MR. BARKER: Mr. Klein?  
MR. KLEIN: Yes.  
MR. BARKER: Mr. Macey?  
MR. MACEY: Yes.  
MR. BARKER: Ms. Means?  
MS. MEANS: Yes.  
MR. BARKER: Mr. Palmiere?  
MR. PALMIERE: Yes.  
MR. BARKER: Mr. Pالموسينا?  
MR. PALMOSINA: Yes.  
MR. BARKER: Ms. Prizio?  
MS. PRIZIO: Yes.  
MR. BARKER: Ms. Ranalli-Russell?  
MS. RANALLI-RUSSELL: (No response.)  
MR. BARKER: Mr. Walton?  
MR. WALTON: Yes.  
MR. BARKER: Mr. Zavarella?  
MR. ZAVARELLA: Yes.  
MR. BARKER: President DeFazio?  
PRESIDENT DEFAZIO: Yes.  
MR. BARKER: Ayes 14, nos zero. The bill

passes.

PRESIDENT DEFAZIO: 10909-18.

MR. BARKER: 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. Sponsored by Council Members Walton and Klein.

PRESIDENT DEFAZIO: At this time, I will accept any majority or minority reports presented pursuant to the Rules of Council.

MR. WALTON: We filed a majority report noon at Friday outlining the --- the facts that occurred, Mr. President, over the past 11 months, detailing the four public meetings that were authorized by Council, the Committee hearing a week ago on Wednesday and summarizing all the issues the --- the pros, the cons and the neutrals that emerged from those deliberations.

And so we met the --- the timelines in the Special Committee hearing. We set a deadline of noon --- for noon Friday for a majority report. That report is on file with the clerk and is available for public review. And it would be --- if --- if I am correct, it'll posted to our --- to the website.

Am I correct, Mr. Clerk?

MR. BARKER: And we certainly can do that if that's the desire of the Council.

MR. WALTON: I would --- I would hope that Council will post that majority report on the Council --- on Council's website for review.

And with that in mind, before I --- before I make a --- I move to adopt, I want to say this. My dear friend, my colleague, Denise Ranalli-Russell, asked me a few moments ago to table this motion. And she asked me with the sense that she believed that if we tabled it and went back into Committee that we'd be able to find common ground and get a document that would generate unanimous support. I have the utmost respect for my colleague. She operates with integrity, dignity and character at all times, and I care very deeply for her, but I'm going to reject that notion and bring it to a vote tonight.

(Applause.)

MR. WALTON: Because I believe in my heart of hearts that the time has come.

One of the speakers earlier tonight talked about Philando Castile, Michael Brown, Sandra Bland, Walter Scott, a whole host of situations where people were murdered at the hand of bad police officers. This legislation is not anti-police. This legislation is about accountability.

(Applause.)

MR. WALTON: With that in mind, and with Michele Kenney in mind, the time is now.

We have to move forward in a straight forward and honorable and transparent way. We're all accountable in what we do and what we say. And we have to operate as Council and as individuals with the utmost integrity.

So with that in mind, Mr. Brown --- Mr. President, I will defer to my colleague, Paul Klein, and then we'll ask --- we'll move that this be adopted by Council.

MR. KLEIN: Just --- thank you, Mr. Walton.

MS. RANALLI-RUSSELL: Excuse me, Mr. President.  
Excuse me.

PRESIDENT DEFAZIO: Yes?

MS. RANALLI-RUSSELL: Can I do a point of order?  
I would like to make a motion.

PRESIDENT DEFAZIO: Yeah. What's your point?

MS. RANALLI-RUSSELL: To table it, to see if I  
have votes. So that we can --- I think it's really  
important that we unanimously do this because I do believe  
in police accountability, but I believe there is some  
flaws in the legislation, and I think, speaking with my  
colleagues and my constituents, I believe that if we can  
come together, I think we can unanimously like --- what  
Mr. Rapp said I think it's important that we come together  
with a unanimous decision.

MR. CATENA: Ms. Ranalli-Russell, point of order  
--- Mr. President, point of order?

PRESIDENT DEFAZIO: What's your point?

MR. CATENA: I wanted to ask Councilwoman  
Ranalli-Russell if she'd consider sending this back to  
Committee?

MS. RANALLI-RUSSELL: Yes. And I'm not --- no  
disrespect to Michelle ---.

MR. CATENA: We're just ---.

MS. RANALLI-RUSSELL: No disrespect to Michelle  
Kenney. My heart breaks for you and I want this to pass,  
and I think it's really important that we all ---.

(AUDIENCE SHOUTS.)

PRESIDENT DEFAZIO: Whoa, whoa, whoa. Okay.  
Hold up.

MS. RANALLI-RUSSELL: That is what the --- that  
is what the end goal would be is to unanimously pass this,  
but I believe that my colleagues and I could all come to a  
unanimous --- and I think it's very ---.

AUDIENCE MEMBER: Oh, no. We're here to vote.  
We're here to vote.

PRESIDENT DEFAZIO: All right. Hold up.

AUDIENCE MEMBER: Vote.

PRESIDENT DEFAZIO: I think next we ---  
Representative Klein?

MR. KLEIN: She has a motion --- she has a  
motion on the floor.

MS. RANALLI-RUSSELL: And I would like to make a  
motion to --- I would like to make a motion to take a vote  
on bringing it back to Committee, please.

MR. KLEIN: Is that a second?  
PRESIDENT DEFAZIO: Go ahead.  
MR. CAMBEST: There should be a motion to table  
this ---.  
MS. RANALLI-RUSSELL: Yes, to table this first.  
MR. CAMBEST: So let's see if we get a motion to  
second on that.  
PRESIDENT DEFAZIO: Okay.  
MS. RANALLI-RUSSELL: I'd like to make a motion  
to table this.  
MR. FUTULES: We --- you need eight votes.  
MS. RANALLI-RUSSELL: Yes, to --- yeah.  
MS. KENNEY: My daughter and I are sitting back  
in my house ---.  
PRESIDENT DEFAZIO: Whoa, whoa, whoa, whoa.  
Come on. All right. Come on.  
AUDIENCE MEMBER: Yeah, we have ---.  
PRESIDENT DEFAZIO: Do you --- we have a second?  
MR. CAMBEST: Do we have a second?  
AUDIENCE MEMBER: Do we?  
MR. WALTON: No, not yet.  
PRESIDENT DEFAZIO: All right.  
MS. RANALLI-RUSSELL: And nobody is going to  
second.  
PRESIDENT DEFAZIO: No seconded.  
MR. WALTON: It dies from lack of a second.  
PRESIDENT DEFAZIO: And he's correct. It ---  
all right.  
MS. MEANS: Mr. President?  
PRESIDENT DEFAZIO: Go ahead.  
MS. MEANS: Just a point of personal privilege.  
So I would ---.  
PRESIDENT DEFAZIO: What's your point for?  
MS. MEANS: Well --- well, my point is are ---  
do we --- in the few minutes after Councilman Klein  
speaks, we will be voting to accept the majority report?  
Do we need to vote to accept --- as a body, to accept the  
majority report?  
MR. WALTON: No.  
MS. MEANS: I'm unfamiliar with this procedure.  
So I was wondering if our Solicitor could clarify that. I  
know there --- do we have to take a vote in a few minutes  
to accept the majority report? I understand that they're  
putting it forth, but are we required to take a vote to  
accept the report?



MR. CAMBEST: No. No. My understanding is as long as it is filed, which I believe it is, because Mr. Walton said ---

MR. WALTON: We --- oh, I'm sorry.

MR. CAMBEST: --- that's all that's required under the Rules of Council.

MR. WALTON: You're correct --- correct, Solicitor. Our requirements were that the majority report must be filed by noon on Friday, this past Friday. The minority report had to be filed by noon on Friday. To my knowledge there is no minority report.

MR. CAMBEST: There --- there is none. That's correct. There's none to accept.

PRESIDENT DEFAZIO: All right.

MS. MEANS: Thank you. Thank you for the clarification.

PRESIDENT DEFAZIO: All right. Representative Klein?

MR. KLEIN: Thank you, Mr. President.

Mr. Walton and I have been living with this for the past almost 14 months. The ordinance that we are considering tonight is an ordinance that was introduced in December. And so if --- if you'll bear with me, I do have some thoughts that I would --- that I'd like to share.

The historian Crane Brinton wrote of the challenges and stresses of change for a society. The same could be said for each of us as individuals just trying to make our way in the world. Brinton wrote this, change is the child of hope, not despair. But there are those moments, and I believe that this is one, when change is, in fact, the child of both hope and despair.

Resistance to change or slowness to change does have its charms. And some would say that here in Pittsburgh and Allegheny County that hesitance to --- that hesitance to change is appealing. Of course, sometimes we just have to open to the possibility that change might be necessary when the status quo is not serving us well.

At a very early and challenging point in our history, Thomas Paine spoke of the times that try men's souls. We might say that the climate in our country, which are not removed from here in Allegheny County, is at the very least trying and for some more than others, it is just despairing.

The melting pot is a poetic term that, in fact, describes an idealized America that is fast becoming a

boiling pot, where the embers of intolerance and hatred are stirred daily by leadership in this country. This makes the work of so many almost hopelessly difficult as reason yields to emotion and our better selves are left behind.

As a co-sponsor of legislation to create an Independent Civilian Review Board, we have an opportunity to --- to turn the page, and to do so in a thoughtful and measured way. In fact, this entire process leading up to this moment has been measured and respectful. We began last July by asking Council for their approval to conduct four public meetings for the purpose of receiving public input on the advisability of creating such a Board. This Council did, in fact, give their approval to Mr. Walton and I to conduct such a series of public hearings. We heard from people who both supported and opposed such a measure. We wanted to provide a public forum on this matter, and we expected that just as there would be those who would support it, there would be those who would be opposed to such an effort.

I'd like to thank Council President John DeFazio, not only for his support of our effort to give the people the chance to speak, but for his presence at these hearings and his support of the ordinance. I also would like to thank Council Members Prizio, Ranalli-Russell, Palmiere, Futules and Palmosina for their willingness to provide an opportunity for the people of this County to have their voices heard on this important matter.

I should also mention that all of these members attended one or more public hearings. To be sure, there has been disagreement, but it is too hard to imagine that there could be disagreement on ensuring the right of the public to be heard.

What we are proposing with this ordinance that is before us this evening, is that the mainstream of thought on the subject of civilian involvement in police oversight. There are now more than 200 Civilian Police Review Boards across this country. There is considerable and indeed research on this subject that proposes best practices for police departments while recognizing the pitfalls and limitations of such efforts.

But we also understand this. Every law is an act of faith, a work in progress. In a democracy, law is not a decree but an opportunity for citizen engagement.

Laws are imperfect because those who make them are imperfect. Yes, human beings just like you and me. The Constitution, the work of true visionaries, has been amended 27 times. All of our laws are works in progress amended to respond to the felt needs and changes in the social environment. At no doubt this ordinance will be amended as well.

You might think about it in this way. Amendments are to laws what couples therapy is to marriage. You start off with an idea that holds promise and you try, if you can, to make it better.

We know that this law is imperfect, but we believe that it can be made better. We learn and improve by doing. There will be missteps. We will make mistakes. But people of good will can change and improve. It's what we call growth. And most of us have in the past needed to grow both personally and professionally and so to do our societies.

As this process has played out over the last 14 months, there have been disappointments. The decision of several of my colleagues to vote against the desire to hold public hearings for the purpose of just receiving public testimony has been confounding to me, though they had every right to oppose such outreach to the public.

Those who oppose this measure did communicate with managers at every municipality in the County four months before the Ordinance was introduced this past December, urging them to share that letter, their communication, with their mayors and police chiefs. They certainly have the right to do that as well, but the information contained in this letter is troubling.

It opened by informing municipal managers that the County had no jurisdiction over their municipal police departments. This is true. They were correct. And Mr. Walton and I, throughout this process, remained faithful to that reality. We never told anyone that the County could regulate those municipal police departments. But the information in the letter, which clearly reflects an attempt to make the case against creating such a Board, seems to belie that initial assertion. Those who wrote this letter state that the deliberations of a Review Board would be complicated by having to deal with 107 separate municipal police departments. Really? The letter speaks of the potential loss of oversight by municipal officials of their police departments. Loss of oversight to whom?

Certainly not the County. As we have consistently stated, and as the drafters of this letter presumably understood, the County has no jurisdiction, no legal authority over municipal police departments.

Questions in this letter are raised as well about what might happen to an officer if the Board believes that he is guilty of misconduct. The Board is not a judicial tribunal. It will not make determinations of guilt or innocence.

There is much speculation in this letter about the composition of such a Board and the suggestion that this Board would be populated by nonresident aliens, noncitizens, a particularly sensitive subject in these times in which so many are building their political fortunes by trafficking in fear of the others.

These and other Chicken Little concerns are on full display in this letter that is riddled with assertions that are light on facts and bear little relationship to the truth. I suppose I expected more from my colleagues because although we disagree on this and other matters, I generally have regard for their ability to make their case, disagree though we might, based on what is real.

And I would also allow that we might disagree as a matter of principle to simply state that I don't believe in a citizen role in assessing police conduct might very well be a strongly held belief, a principle, but there is nothing disingenuous about conjuring up facts to support a position that is fundamentally unalterable.

It seems that in this case a decision has been made to shut this down, i.e. no public hearings and then to poison the well with misinformation. So that this bill, if it did come to fruition, would be dead on arrival. It's no wonder that so many people in this County believe, and I heard them, that the County is coming to take over their communities.

Now, we can leave here this evening with the present state of affairs intact and conclude that there is nothing to be done, or we can join the ranks of nearly 200 municipalities across this country that have decided that we can do better.

In an article published by the American Enterprise Institute, the conservative think tank in this country, the article --- the author of this article entitled, The Conservative Case for Civilian Review,

argues that the central argument against civilian review has lost its relevance in the last two decades with the passage of the Violent Crime Control and Law Enforcement Act of 1994.

That law gives the Justice Department the power to sue municipalities for unconstitutional beliefs and practices that deny persons of their rights, privileges and immunities protected by the Constitution. This, according to the author, has not helped the cause of those arguing for police policing themselves, and I quote.

This past December, Congress, the place where bipartisanship goes to die, passed a bipartisan measure, the most significant criminal justice reform measure in years, making stronger the case for, and I quote again, an enhanced civilian review presence in our communities.

It is time that we address this crisis of confidence in law enforcement. The people who step up, men, women and others, who take the oath to serve and protect, and who in most cases do so admirably, deserve to have the opportunity to regain the public trust.

I live just two blocks away from the Tree of Life synagogue. And on that haunting day in October when 11 people were murdered, we all watched with awe as police officers came prepared to make the ultimate sacrifice for others. We will never forget their valor.

We may not ever bind up the wounds that divide the police and the policed in many places, but can't we try to do something? Can't we do better than we're doing right now?

AUDIENCE MEMBER: Yes.

MR. KLEIN: At the conclusion of one of the public hearings that was held last fall, Officer Thornton, I believe, who I believe is still the president of the Allegheny County Police Union, said to me on an evening in which he shared the stage with Mr. Khalid Rahim, who was here this evening, and who is a tireless advocate for social justice in this area. He said to me, well, we might not agree with each other. He said at least we're talking and not screaming at each other. That possibility existed because we created a space for engagement. Rather than allowing imagination to demonize people, we can look at each other, talk and listen. Laws don't change hearts and minds, but creating spaces and opportunities to see the humanity in other people just might.

I ask my colleagues this evening, people of good will who do good work for the people of this County --- and it ain't for the perks --- I ask them all to join me in supporting this measure. The world cries out for repair. Creating opportunities for engagement in our County by bringing more people to the table to deliberate on matters of utmost importance might be a way to make a start. To sit on our hands motionless will not get us there. We have to figure out a way to live together. Whatever your misgivings about the limitations and shortcomings of this Act, I am convinced that together we can make it better. Thank you.

(Applause.)

MR. WALTON: Mr. President, with that being said, on the motion, we move that we adopt Ordinance Number 10909-18.

PRESIDENT DEFAZIO: Is there a second?

MR. KLEIN: Second.

PRESIDENT DEFAZIO: Second.

Under remarks?

MR. DEMARCO: Yes.

PRESIDENT DEFAZIO: Representative DeMarco?

MR. DEMARCO: Mr. President, thank you very much.

You know, I appreciate the comments made by my colleagues here, and I appreciate what they're trying to do. I appreciate all the folks who have shown up here and believe that passing this legislation is somehow going to deliver that, the hope that they seek. But unfortunately at last week's meeting where we heard from Professor Harris, even he identified a number of areas in which this legislation falls short.

From a due process perspective, it doesn't provide for due process because it doesn't allow for Cross Examination of the witnesses. It doesn't provide a mechanism for funding for officers that are called to testify before the Board, so they lack the wherewithal to hire a defendant counsel. It doesn't have subpoena power so it doesn't have the ability to ask an officer to actually come and testify. They don't have --- the Board doesn't have the ability to actually look at police reports under Pennsylvania's Criminal History Record Information Act, CHRIA, that excludes any oversight mechanism not under law enforcement control. When we talk about the 105 police departments in Allegheny County, they

all are independent union organizations with their own collective bargaining agreements. These are all things that have to be negotiated before you're able to do anything here.

I appreciate his reference to the Constitution and the Constitution being amended, but we don't live in a democracy. We live in a republic. And when the Constitution was passed, the Constitution was --- because it was believed to be the best document they had at that point in time. Now, we've amended it because they have taken and discovered things that would allow us to make it better.

But in this particular case, he's asking us to take and pass a piece of legislation with significant flaws in it. There's nothing in there that talks about costs. There's nothing that addresses what it's going to cost the taxpayers. And when we talk about civilian oversight, every one of us on this Board are the civilians that should be overseeing the police here.

We heard from of the --- we --- we heard from one of the speakers, a Mr. Howard, who came up here and talked about this whole thing is exploiting the --- and the feelings of the populace and we're not doing our job by going in communities to address that. Well, it's not just us but it's also the elected officials in the municipalities. That's civilian oversight.

He brought up and mocked the --- one of the points that were made in the letter, and when she said we were trying to point up straw men, where we planned that there could possibly be undocumented folks who can serve on this panel, well, that comes directly from the Public Source June 2018 press article on this type of Board. So all these things, we all come together. We all want the same thing. We all want safe communities.

AUDIENCE MEMBER: No, we don't.

AUDIENCE MEMBER: No, no.

MR. DEMARCO: We all want a safe and effective policing. But we want to do things the right way and we don't believe, you know, that this piece legislation is the right way. If everything was well intentioned, why did we have the special community? Why didn't this go to a public safety committee? Why didn't we have the opportunity to meet and make these amendments or offer amendments on these things to address? Why is it that we have to pass flawed legislation and then maybe after the

fact we'll look at amending it? These are the things that I just don't understand it, and from my perspective I do not see the wisdom of wasting the public's time by offering them hope and passing a legislation that's so flawed it has no chance of standing. Thank you, Mr. President.

PRESIDENT DEFAZIO: Any other remarks or comments? Seeing none --- oh, Representative ---.

MS. MEANS: Hi. I --- I am Councilwoman Sue Means, and because I do care deeply about the people of Allegheny County, I read every word of every piece of legislation. This ordinance is severely flawed and it fails to protect various members of our community. In order to protect the citizens of Allegheny County I will be voting no.

(AUDIENCE BOOS.)

PRESIDENT DEFAZIO: Representative Walton?

MR. WALTON: The great thing about a democracy is that we have the ability to make choices. One of the worst things about a democracy is that we have ability to make choices.

Some of my colleagues I --- who I worked --- served with are very disingenuous.

AUDIENCE MEMBER: Thank you.

MR. WALTON: No legislation is perfect. The United State Constitution has how many amendments. It wasn't a perfect document when it was crafted. It's a document that's a work in progress as we live and speak today. The Rules of Council of Allegheny County is not a perfect document. And I didn't see --- there's only one member here that voted less than 18 months ago to amend our rules and raise our pay, you know. So if they, you know ---.

So again, we decided to raise the pay of members of Council because we thought it was the best thing to do, and that members deserve to have an increase in compensation. That's just how government works, that it --- it's a work in progress, and we move forward every day. So let's not be disingenuous. We amend legislation every day. We --- our goal is to make government work and to make it work more effectively and that means that we have to bring about change. This legislation brings about change, so let's vote.

(Applause.)

MR. FUTULES: Mr. President?



PRESIDENT DEFAZIO: Oh, go ahead, Representative Futules.

MR. FUTULES: I'd like to make some remarks.

PRESIDENT DEFAZIO: You got to raise your hand, Nick.

MR. FUTULES: I --- I did. You were looking the other way.

I've heard everybody. I've heard everything I could possibly hear at this time tonight. Everybody makes a great argument. It's very difficult. We talk about letting the people make the decision and as an alternative to whether this passes or fails tonight, there are alternatives. There's plan A and plan B. Plan B could be a referendum question and let the people of Allegheny County make this vote versus 15 people. That's an option.

AUDIENCE MEMBER: You already know that.

AUDIENCE MEMBER: You know that.

MR. FUTULES: A merger --- a merger with the city review board with County is a possibility.

AUDIENCE MEMBER: You had a year to vote. They voting or not?

AUDIENCE MEMBER: Vote.

AUDIENCE MEMBER: Vote.

MR. FUTULES: This is not an ending ---

AUDIENCE MEMBER: Vote or not.

MR. FUTULES: --- for this evening. I believe there are other options ---

AUDIENCE MEMBER: Vote.

MR. FUTULES: --- regardless of this outcome, ---

AUDIENCE MEMBER: Vote.

MR. FUTULES: --- but certainly listening to the people that talk about --- he was here and I can --- Swissvale I believe, Councilman from Swissvale. He said let --- you know how hard for me to talk to 125,000 people and ask their opinion? Well, taking it to a referendum question is certainly the best way in my opinion, and I think that would give the voice to the people certainly.

AUDIENCE MEMBER: Vote.

AUDIENCE MEMBER: Vote.

MR. FUTULES: Thank you.

AUDIENCE MEMBER: Vote.

PRESIDENT DEFAZIO: Okay. Seeing no more comments we'll take a roll call vote.

MR. BARKER: All the motion to approve.

MR. BARKER: Mr. Baker?  
MR. BAKER: No.  
MR. BARKER: Mr. Catena?  
MR. CATENA: No.  
MR. BARKER: Mr. DeMarco?  
MR. DEMARCO: No.  
MR. BARKER: Mr. Futules?  
MR. FUTULES: No.  
MR. BARKER: Ms. Kirk?  
MS. KIRK: No.  
MR. BARKER: Mr. Klein?  
MR. KLEIN: I'll break the  
monopoly, yes.  
MR. BARKER: Mr. Macey?  
MR. MACEY: No.  
MR. BARKER: Ms. Means?  
MS. MEANS: No.  
MR. BARKER: Mr. Palmiere?  
MR. PALMIERE: No.  
MR. BARKER: Mr. Palmosina?  
MR. PALMOSINA: I have a few comments if I'm  
allowed to.  
PRESIDENT DEFAZIO: No, not now.  
MR. PALMOSINA: I didn't know that. I'm new  
here. I didn't know that. I can't make 30 seconds here?  
Mr. President, please?  
PRESIDENT DEFAZIO: By rules you're not supposed  
to, you know.  
MR. PALMOSINA: Can I ask for 30 seconds?  
AUDIENCE MEMBER: Yes or no?  
MR. PALMOSINA: Well ---.  
PRESIDENT DEFAZIO: Let me ask you this.  
MR. PALMOSINA: Let me just say something real  
quick.  
PRESIDENT DEFAZIO: Well, what's it really going  
to bother for 30 seconds?  
MR. PALMOSINA: I don't speak too much. I think  
I can --- deserve to speak a little.  
AUDIENCE MEMBER: I'll let him.  
MR. PALMOSINA: Okay.  
I trust, I respect and I support the police. I  
always have. I was raised that way. I believe that  
there's 99 percent of the police boroughs out there have  
their own policies and they're fine cops. Most of them  
are my friends. I think it's that one percent out there

that may have some issues. Maybe it's training, maybe it's budgetary.

And the key to this legislation is opt-in. With that being said, I came here with my yes vote and I'll stay with my yes vote.

(Applause.)

PRESIDENT DEFAZIO: Okay.

MR. BARKER: Ms. Prizio?

MS. PRIZIO: Yes, but I would like to --- a minute to say something.

My vote is yes. I agree with my colleagues that ---.

PRESIDENT DEFAZIO: Hold on a minute. Hold on a minute.

What do we think of letting her have a minute? If anyone ---- anyone opposed?

MR. PALMOSINA: Mr. President, see, we're about transparency and speaking our mind. I don't think 30 seconds --- out of respect for you, we've heard all the speakers tonight and everyone else speak and my colleagues ---.

PRESIDENT DEFAZIO: Whoa, whoa. Hold it.

I'm only going by the rules, okay. I'm really --- I'm going to let you speak, but ---

MS. PRIZIO: Thank you.

PRESIDENT DEFAZIO: --- just trying to go by the rules. Go ahead.

MS. PRIZIO: Yeah. Thank you.

My vote is yes. I agree with my colleagues that the ordinance has some deficiencies. It is not a perfect document.

With that being said, outside of County Police opting into this Board --- would completely --- it's completely voluntary by municipalities and the limited option would provide the smaller and struggling departments a review of their policy, procedures, training and budgeting, which I feel would result in better community policing countywide.

It appears to me that the City of Pittsburgh's Citizen Police Review Board established in 1997 has fostered transparency, enhanced public safety and improved communication between the community and the police. Pittsburgh residents have a right to such a board. Why shouldn't County residents?

AUDIENCE MEMBER: Yes.

(Applause.)  
PRESIDENT DEFAZIO: Next vote?  
MR. BARKER: Ms. Ranalli-Russell?  
MS. RANALLI-RUSSELL: No.  
MR. BARKER: Mr. Walton?  
AUDIENCE MEMBER: You was the one talking about  
I want a ---.  
PRESIDENT DEFAZIO: Hold up. Hold up.  
Everybody's going to have their say. Go ahead.  
MR. BARKER: Mr. Walton?  
MR. WALTON: Yes.  
MR. BARKER: Mr. Zavarella?  
MR. ZAVARELLA: Yes.  
(Applause.)  
MR. BARKER: President DeFazio?  
PRESIDENT DEFAZIO: Yes.  
(Applause.)  
MR. BARKER: Ayes 6, nos 9. The bill fails.  
PRESIDENT DEFAZIO: Six. Okay.  
Next on the agenda is liaison reports.  
Does someone have a liaison report?  
MS. MEANS: I will. Yes.  
PRESIDENT DEFAZIO: Sue Means --- Representative  
Means, go ahead.  
MS. MEANS: Yes, I would like to ---.  
PRESIDENT DEFAZIO: Hold up. Let her speak.  
MS. MEANS: I would like to congratulate Darla  
Covatto that works for the county because Allegheny County  
Rooftop Gardens made the National Association of Counties,  
and so we have this wonderful garden on --- growing  
on ---.  
AUDIENCE MEMBER: Garden is not --- garden is  
not ---.  
PRESIDENT DEFAZIO: Come on.  
AUDIENCE MEMBER: Gardens is not ---.  
MR. WALTON: A point of personal privilege, Mr.  
President.  
PRESIDENT DEFAZIO: Yeah.  
MR. WALTON: We're going to reintroduce this  
legislation in January. Don't go away. Don't give up.  
(Chants from crowd.)  
PRESIDENT DEFAZIO: Hold up.  
We're going to take a recess --- take a recess  
four minutes to ---.  
AUDIENCE MEMBER: Vote you out. Vote you out.

MR. WALTON: Come on now. Come on. Come on.  
This has been done --- this has been done with  
integrity and character and class. Let's keep it up.  
Let's keep our head high. Let's do the right thing.

PRESIDENT DEFAZIO: All right.

The ones that are leaving, let's have a four  
minute recess.

(Whereupon, a short break was taken.)

PRESIDENT DEFAZIO: All right. Any more on the  
liaison reports.

Seeing --- seeing none, we will move on to  
11183-19.

MR. BARKER: An Ordinance amending the Allegheny  
County Code of Ordinances, Division 1, entitled  
Administrative Code, Article 808.A, to comply with recent  
amendments made by the Pennsylvania General Assembly to  
Article II of the --- of the Act of March 4th, 1971, known  
as the Tax Reform Code of 1971. Sponsored by the Chief  
Executive.

PRESIDENT DEFAZIO: That'll be referred to the  
Committee on Budget Finance.

11184-19.

MR. BARKER: An Ordinance of the County of  
Allegheny, Commonwealth of Pennsylvania, authorizing the  
County's acceptance of the donation of a 1975 Fruehauf  
Tanker Trailer. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll be referred to the  
Committee on Public Safety.

11185-19.

MR. BARKER: An Ordinance of the County of  
Allegheny, Commonwealth of Pennsylvania, authorizing use  
of property in the County's Settlers Cabin Park for  
implementation of a multi-use trail and waterfall viewing  
area in conjunction with the Allegheny County Parks  
Foundation. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll be referred to the  
Committee on Parks.

11186-19.

MR. BARKER: A Resolution providing for a  
program of temporary exemption from county real property  
taxes for improvements, including repairs, construction,  
or reconstruction, made on industrial, commercial or  
business property in a deteriorated area in the City of  
Pittsburgh, County of Allegheny, Commonwealth of  
Pennsylvania, pursuant to the Local Economic

Revitalization Tax Assistance Act. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll be --- that'll be referred to the Committee on Economic Development.

11187-19.

MR. BARKER: A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2019, Submission Number 05-19. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll be referred to the Committee on Budget Findings.

New motions, any motions, anybody? No?

MR. BARKER: We do not.

PRESIDENT DEFAZIO: Notifications of contracts?

MR. BARKER: We have none.

PRESIDENT DEFAZIO: None.

Public comment, what do we have, one speaker?

MR. BARKER: We have one who signed up in a timely fashion. We have one individual who did not sign up in a timely fashion, but who has requested to speak.

PRESIDENT DEFAZIO: Okay.

Call the first one then.

MR. BARKER: First up is Jill Diskin.

MS. DISKIN: Hello. My name is Jill Diskin.

Thank you for the opportunity to talk about election security.

I have now had the opportunity to review the Voting Systems Evaluation Committee report that was made publicly available on August 19th. I have a number of questions which I hope can be answered at the Board of Elections meeting this Friday.

First, the County's specifications for a new voting system list just one requirement from the recommendations contained in the Blue Ribbon Commission report. It says, quote, specifically, it is desirable to have risk limiting audits conducted by a third party. I have to ask, why is only one recommendation from the Blue Ribbon Commission listed as a requirement by Allegheny County?

Second, in the report for the analysis of ES&S it's stated as an advantage that, quote, internal team performs penetration testing on hardware and software. My question is, if the primary goal of penetration testing is to identify security weaknesses, why is it an advantage to

have ES&S to perform this audit-like function on its hardware and software?

Third, a number of the items listed as advantages for ES&S equipment are also listed in --- listed as disadvantages. Is the Board of Elections seeking clarification on these items? Will the public be informed of these clarifications? As one example, the report says, quote, full and end voting configuration of software and hardware was submitted to Idaho National Laboratory for testing. What are the results of that testing?

Fourth, in March 2019, US Senator Amy Klobuchar and three other senators sent a request for information to the three largest election system vendors, including those being considered by the County. Has the Board of Elections and the Voting Equipment Search Committee reviewed these responses? These questions include, how does your company currently define a reportable cyber incident, and what protocols are in place to report incidents to government officials? Do you apply full-time security experts whose role is fully dedicated to improving the security of your system? Do you conduct background checks on potential employees who would be involved in building and servicing election systems? Does your company operate or plan to operate a Vulnerability Disclosure Program that authorizes good faith security and testing of your systems and provides a clear reporting mechanism when vulnerabilities are discovered?

Senator Klobuchar's questions seem like very good questions. What are the answers? The people of Allegheny County want answers to our voting system questions. Can we be assured that we'll receive answers at the August 30th meeting? Thank you.

(Applause.)

PRESIDENT DEFAZIO: I would call --- I make a motion to adjourn.

MR. WALTON: So moved.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Wait a minute. Hold on. Do we have that other person?

MR. BARKER: We have one individual who signed up untimely.

MR. FUTULES: Well, wait a minute. We had something else, too.

PRESIDENT DEFAZIO: What? What is it?

MR. FUTULES: Appointment review, did you introduce that?

MR. WALTON: No.

MR. FUTULES: You still have to.

MR. WALTON: I --- I didn't --- I didn't amend the agenda. And I feel that --- I feel that President DeFazio should amend the agenda. What we'll do is we will put it on the regular agenda at our September 10th meeting.

MR. BARKER: Good enough?

MR. FUTULES: Is it too late now to do it?

MR. BARKER: Yeah, I --- that's at the pleasure of the --- the Council Member.

MR. WALTON: I would with --- with President DeFazio's approval, I would love to --- I would like to move to amend the agenda to include an appointment to the Ace Commission for Darrell Reeds.

PRESIDENT DEFAZIO: Do you want to make a motion on that?

MR. WALTON: So moved. Yes, sir. Yes, sir.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Under remarks?

MR. DEMARCO: We're talking about just adding --- introducing the appointments ---.

MR. WALTON: Introducing it to a --- to a --- to appointment review. Yes.

MR. DEMARCO: Okay. Yes.

PRESIDENT DEFAZIO: Okay.

All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.

We have one person if he's here --- there was a letter sent in, there was a mix-up. If he's here we'll let him speak.

MR. BARKER: Before moving on, the intention of the President is to refer that bill to appointment review. Correct? The Ace appointment?

PRESIDENT DEFAZIO: Yes.

MR. BARKER: Okay. Thank you.

MR. FUTULES: Do we have another speaker?

MR. BARKER: Ron Bandes.

MR. BANDES: Thank you. Thank you, men and women of the Council.

I came with prepared remarks tonight to talk about voting as I always do. But in the shadow of the ---



the vote today I think instead, I will just speak briefly about that.

I particularly want to thank Councilman DeWitt Walton and Councilman Paul Klein for bringing this motion --- not motion, bill forward. And I want to thank all the Council for their deliberation on this. I --- I personally believe that you all voted your conscience.

I do support the formation of this bill. I have long believed, just even in --- in any place, whether it's police or otherwise, that it's important for --- for employees to know that their management can tell the difference between a good job and a bad job. And when management can't do that, then the people who are capable of a good job are --- they lose their incentive to perform a good job because their management can't tell the difference.

Obviously, I've not organized my thoughts sufficiently on this, but again, I wish to thank the whole Council. I do hope it comes up for a vote again. And I would call on those that opposed the bill tonight on the basis that the bill was insufficient to help draft a better bill. Thank you.

PRESIDENT DEFAZIO: Thank you.

(Applause.)

PRESIDENT DEFAZIO: All right.

MR. MACEY: Make a motion to adjourn.

MS. MEANS: Second.

PRESIDENT DEFAZIO: All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.

Meeting adjourned.

MEETING CONCLUDED AT 6:36 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 3<sup>rd</sup> day of October, 2019

 \_\_\_\_\_

Jeremy Harris,

Court Reporter