

Recommendations to Align Pittsburgh Police Practices with International Law and Human Rights Standards



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Introduction

Since the killing of George Floyd, an unarmed Black man, at the hands of Minneapolis police on May 25, protests have erupted across the nation and world calling for police departments to increase accountability and ensure that their policies effectively uphold international human rights law and standards in uses of deadly force. Cities are now being judged in light of international human rights laws such as the [Code of Conduct for Law Enforcement Officials](#), [U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#), and a 2014 [report](#) by the U.S. Special Rapporteur on extrajudicial, summary, or arbitrary executions on protection of the right to life during law enforcement. A recent [University of Chicago School of Law study](#), *Deadly Discretion: The Failure of Police Use of Force Policies to Meet Fundamental International Human Rights Law and Meet Fundamental International Human Rights Law and Standards*, examined the policies of 20 major U.S. cities, assessing their compatibility with fundamental international human rights law and standards surrounding police use of force policies. This brief draws from that study to offer guidance for Mayor Peduto’s Community Task Force on Police Reform about how we can bring the policies and practices of the Pittsburgh Bureau of Police (PBP) and state legislation surrounding use of force into better alignment with our international legal obligations and commitments as a Human Rights City. We urge the Task Force to draw from international human rights guidelines and best practices as it develops recommendations for eliminating racial bias in policing in Pittsburgh.

Examination

The University of Chicago Law School study, *Deadly Discretion: The Failure of Police Use of Force Policies to Meet Fundamental International Human Rights Law and Meet Fundamental International Human Rights Law and Standards*, utilizes four principles in its evaluation and assessment of police departments according to existing state and local guidelines surrounding police use of force. The principles are introduced and defined by this study as follows:

1. **Legality:** Use of force policies must sit within a human rights compliant federal and state legislative framework that properly balances security needs with individual human rights
2. **Necessity:** All law and policies on police use of force must comply with the necessity requirement and only allow for force when “absolutely necessary” to save the life or prevent serious bodily harm of an officer or civilian as a “last resort” to other alternatives
3. **Proportionality:** In addition to being necessary, the use of force must always be proportionate to the threat the officer confronts and weighed against the fundamental human rights of the individual, including the rights to life and security of person
4. **Accountability:** Accountability requires an independent, external review of each use of lethal force by the police as well as departmental transparency of use of force policies and practices

The human rights at stake in policing - the right to life and personal security as well as the freedom from discrimination - are bedrock guarantees, essential for the enjoyment of other fundamental human rights. Out of the 20 city police departments surveyed in this study, **not one met the minimum standards established by human rights law.** This reflects a serious failing in the United States to take seriously the expectations and experiences of international allies, and it undermines the rule of law both at home and worldwide.

We recommend that the City of Pittsburgh use the metrics outlined in the University of Chicago report in order to effectively determine whether current Pennsylvania and Pittsburgh laws regarding police use of force conform to internationally recognized guidelines and best practices aimed at protecting the human rights of all people. Such guidelines can serve as a valuable resource for reforming police use of force policies in Pittsburgh. This would provide a starting point from which to build a more accountable police force that upholds everyone's basic human rights and dignity. We hope it could also be a model for other communities.

It is important that the City of Pittsburgh is held accountable to its commitments made when it became the fifth U.S. Human Rights City in 2011. We urge the Task Force to remain mindful of the City's commitment to provide leadership and advocacy to secure, protect, and promote human rights for all people and to ensure that your recommendations align with and benefit from the knowledge and experience of the global human rights community. At minimum, we must reform existing law to meet the minimum standards set by the United Nations. Pittsburgh has repeatedly shown that it is willing to lead the way on using international standards to make meaningful reform when the federal government has not, such as Mayor Peduto's Climate Executive Order in 2017 following the U.S. pulling out of the Paris Climate Accords.

Recommendations

Based on our understanding of international legal obligations, relevant guidelines, and best practices, and drawing from the [important work](#) of our [Gender Equity Commission](#) and [list of 12 demands](#) made by the [Allegheny County Black Activist/Organizer Collective](#), we put forward the following recommendations that we hope the Task Force will strongly consider for reforms of City policy and relevant State legislation:

Legality

- State legislatures should enact **legal limits on police use of force that comply with international human rights** and standards of necessity, proportionality and accountability and protect and enable individual human rights.
- In light of extensive evidence of excessive use of force by federal, state and local law enforcement during lawful demonstrations, government at all levels should **re-evaluate the presence of armed police during lawful public gatherings.**

Necessity

- State legislatures and state and local law enforcement agencies should require, by law and in departmental policies, **any officer standing by while another officer uses unlawful force on a subject to intervene to stop the use of force.**
- State and local law enforcement agencies should **remove from their policies any exceptions** that permit the use of lethal force when the situation does not present an **immediate and particularized threat of lethal force or serious bodily harm**, and where the **use of lethal force is not absolutely necessary as a last resort.** The current [Pittsburgh Bureau of Police policy regarding Use of Deadly Force](#), specifically Section 5.1.1, does not satisfy this international human rights standard. By not requiring the presence of imminent or immediate threat in **all** uses of deadly force and providing exceptions substantiated solely on reasonable belief, the most basic notions of due process are disregarded.

Proportionality

- State legislatures and state and local law enforcement agencies should **eliminate, by law and in departmental policies, the use of police techniques, tactics and technologies that pose a risk of death or serious bodily harm but that are not necessary or proportional to the threats posed to officers or others**, including chokeholds, carotid holds, neck restraints, tear gas, concussion grenades, and rubber bullets, among others.

Accountability

- State legislatures and state and local law enforcement agencies should require, by law and departmental policies, all state and local law enforcement officers, **at all times, to wear body cameras and use dashboard cameras.**
- State and local law enforcement policies should **mandate full reporting to an external, independent civilian oversight body empowered to conduct independent, publicly accessible investigations** for every incident involving the use of deadly force, including any time an officer discharges a firearm or uses a technique, tactic or technology capable of causing death or serious bodily harm.
- **Shift local law enforcement culture to a culture of “guardian policing.”** This requires acknowledging that the police are not at war with civilians, eliminates warrior metaphors and related trainings, requires high-quality de-escalation and anti-racist and anti-bias training offered by outside experts following best practices, and places the responsibility for calling out bad behavior on other officers. To achieve this, authorities should engage with the recommendations issued by local Black activist leaders, whose thoughtful proposals build upon years of national debates and dialogue surrounding the Black Lives Matter movement.