

Report on the Treatment of People of African Descent by Law Enforcement Agencies in Pittsburgh, Pennsylvania And Allegheny County

Input submitted to inform the [country visit](#) to the United States by the United Nations International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement (EMLER) (24 April – 5 May 2023)

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A 2019 report by the City’s Gender Equity Commission found that Pittsburgh is one of the worst in the country for African American residents.^[1] While Pittsburgh’s White population remains stable, more than 10,000 Black residents left the city between 2010 and 2020—a 13% decline.^[2] Numerous factors are driving this Black exodus from our city, but it is clear the treatment of Black residents by Pittsburgh police is a contributing factor.

We begin this report by naming the known victims killed in connection with police activity in Allegheny County since 2015, all of whom were Black.^{[3][4]} Information we acquired on victims was compiled by independent journalists, since Allegheny County and Pittsburgh police do not provide accessible data disaggregated by race. *Half of these deaths* (*) fall into one or more of the three policing contexts determined by the UN High Commissioner for Human Rights as exceptionally life-threatening for people of African descent—specifically the policing of minor offenses & traffic stops, the deployment of police in situations of mental health crises, and the use of special police operations (A/HRC/47/53, par. 109).^[5]

In Pittsburgh, we remember: **Aaron Lamont Swan Jr., Jim Rogers*, Romir “Rome” Talley, Antwon Rose II, Mark Daniels, Christopher Thompkins*, Bruce Kelley Jr.*, Raymone M. Davis, Tyrone Harris, and Leslie Sapp III***. In addition, between just 2021 and 2022, four Black men— **Vinckley Harris, Gerald Thomas, Paul Allen, and Robert Harper**—died shortly after spending time in Allegheny County Jail (ACJ).^[6] We remember these men and their families, and we hope the work of the Expert Mechanism can help us end such tragic violence and the lasting trauma and harm it causes for families and communities.

Pittsburgh and Allegheny County residents of African descent are disproportionately impacted by encounters with the police and the criminal legal system. There are long-standing patterns of pervasive racial disparities in every aspect of police enforcement activity in Pittsburgh, reflecting a relationship that seems at war with Black bodies. In its October 2020 and other reports, the Pittsburgh Bureau of Police itself has concluded that racial disparities are getting worse as time goes on, not better.^[7] For instance, the Citizens Police Review Board’s 2022 report states that of all 7,872 arrests made in 2020, 65.3% were of Black people. This means Black residents were 2.9 times more likely to be arrested than all other races.^[8]

Our review of existing information indicates that allegations against Pittsburgh Police and criminal legal system have increased in recent years, with themes of excessive use of force, horrifying responses to mental health crises, brutal treatment of inmates, and discriminatory policies and practices. We summarize some of the available data in areas such as policing in schools, arrests, and in prisons. We note, however, that data on Police policies, handbooks, contracts, and standard operating procedures has been difficult to acquire without multiple appeals and/or lawsuits.

Policing Black bodies in the city begins in public schools where Black boys and girls both experience referrals and arrests at rates 3 to 5 times their White classmates. Pittsburgh refers more Black girls to the police than 99 percent of similar sized cities.[\[9\]](#)

Pittsburgh's Black residents are **disproportionately detained and arrested**. In 2019, Black people made up only 23.2% of the Pittsburgh population, and yet they were subjected to 44% of all traffic stops, 71% of all frisks, and 69% of warrantless search and seizures.[\[10\]](#)

In recent months, local activist organizations convinced City Council to pass legislation banning **traffic stops** for minor, secondary violations, effective April 2022.[\[11\]](#) Less than a year later, the acting chief of police told officers to ignore the new city ordinance, justifying this decision as an attempt to boost morale for officers.[\[12\]](#) Within two weeks, police pulled over a Black man, T'raune West, for using his turn signal late. Six officers handcuffed him for 45 minutes and searched his car. Fortunately, "everything changed" when a bystander called a lawyer, and West was released with just a warning.[\[13\]](#) This example reveals a problematic police culture of indifference to both principles of democracy and human rights law.[\[14\]](#)

Discriminatory Cash Bail

The United States and the Philippines are the only countries in the world to have a commercial bail industry.[\[15\]](#) In the United States, those unable to pay bail must remain in jail, with no opportunity to prove innocence, possibly for months or even years. Black defendants are saddled with a disproportionate share of bail, increasing their chance that their life-span will be reduced by spending time in jail.[\[16\]](#)

According to the Pennsylvania Constitution and Rules of Criminal Procedures, judges are required to take a defendant's financial status into account before setting bail. Yet, the American Civil Liberties Union (ACLU) of Pennsylvania found that 56% of Pennsylvania defendants could not post bail and went straight to jail.[\[17\]](#) Between 2016-2017 the ACLU found that for Allegheny County, Black defendants' bail assignment was \$18,845[\[18\]](#) —\$3,000 more than an entire year salary for a minimum wage worker[\[19\]](#) and \$5,000 more than the average bail assigned to White defendants.

The Abolitionist Law Center's (ALC) Court Watch program analyzed Allegheny County court dockets between May and June, 2020[\[20\]](#) and found that the average bail imposed was \$14,759. Black men—who make up less than 7% of the County—received 43% of the total value of unsecured cash bail for misdemeanors and 39% of total value of secured monetary bail impositions. Additionally, only Black misdemeanor defendants were denied bond while every White misdemeanor defendant was offered a bail option.

These discriminatory bail policies also disproportionately impact Black neighborhoods. More than a third (37%) of all defendants came from the same 9 neighborhoods—all of which are between 25% and 60% Black in a city where 76% of majority Black neighborhoods are high or extreme poverty.[\[21\]](#) These defendants collectively had \$1.66 million in bail imposed upon them. Court Watch found that the same 3 judges (out of 47) were responsible for 34% of monetary bail impositions and 41% of all secured monetary bail impositions, concluding that these judgements were given "without standards or consistency."[\[22\]](#)

Allegheny County Jail (ACJ)

All the above conditions—over-policing Black bodies in schools, in their cars, and the over-burdening Black people with unconstitutional legal cost—has contributed to the over-representation of Black residents in Allegheny County Jail (ACJ). Allegheny County has 1.2 million residents, and 13% of them are Black.[\[23\]](#) **As of February 23rd, 2023, 1,670 residents are incarcerated, and 68% of them are Black.** The jail population is climbing, and this racial trend has worsened since 2020.[\[24\]](#) The proportion of Black residents is 2.1 times higher than the 32% White ACJ inmate population rate, 1.7 times higher than the U.S. inmate average of 38% Black,[\[25\]](#) 1.5 times higher than the Pennsylvania state inmate average of 44% Black,[\[26\]](#) and 3.4 times the rate of 13% Black population (non-incarcerated) in Allegheny County.

Remarkably, **93% of ACJ Inmates are not convicted.** The vast majority are incarcerated in ACJ as they await court processes, placement in other programs, or address unpaid debts. According to the Allegheny County Analytics Dashboard, **only 7% of people in ACJ have been found guilty of a crime.** 40% were awaiting trial, 42% were detained for technical violations of parole, such as failure to pass a drug test or meet with probation officer, and the remaining 10% were detained awaiting external transfer, release, or for failing to pay child support.[\[27\]](#)

More than half of incarcerated Pittsburghers come from just 15 of the city's 90+ neighborhoods, which seriously impacts the health and stability of those families and communities left behind. In Pittsburgh, neighborhood imprisonment rates are correlated with the poverty status and racial demographics of the community.[\[28\]](#) For example, the Larimer neighborhood is 82% Black and 42% below the poverty line, with an imprisonment rate of 1,404 per 100,000. By comparison, Regent Square had no imprisoned residents in 2020, and it is 97% White with just 1% of residents living in poverty. And while the COVID-19 pandemic led to a 36% decline in the ACJ population in 2020,[\[29\]](#) the percentage of Black inmates rose from 60% to 68%.[\[30\]](#) The County admitted, "The overrepresentation of Black individuals in ACJ remains a critical problem."[\[31\]](#)

Disproportionately detained and incarcerated, Black residents are also more subjected to inhumane and even dangerous conditions in ACJ. ACJ's death rate (33.7 per 10,000 in 2021)[\[32\]](#) is almost twice that of comparably sized jails (17.9 per 10,000).[\[33\]](#) A 2021 survey for the Allegheny County Jail Oversight Board's (JOB)[\[34\]](#) found that 88% of respondents reported going hungry and 66% of respondents reported dissatisfaction with medical care in the jail. A 2022 Survey administered by the Prison Society[\[35\]](#) found that 76% have seen rodents or rodent droppings in the jail, 95% of respondents reported regularly going hungry, 59% reported that they had not received health care, and of those who received care, 61% were dissatisfied with the care they received. Moreover, 65% reported being diagnosed with a mental health condition, but 36% said they were not receiving their medication. A sample of 9,856 ACJ residents showed that, prior to incarceration, 79% have received substance use disorder treatment and 68% received mental health treatment.[\[36\]](#)

As one 2022 survey respondent observed:

They have you see a psychiatrist before you talk to a therapist or psychologist so they misdiagnose you with things you don't have so psychotherapy isn't an option. Only drugs which is abuse to me beyond medical malpractice.[\[37\]](#)

In addition to threats to health, ACJ inmates face threats to their safety. Respondents to a 2022 survey by an independent monitor named 38 individual corrections staff responsible for alleged misconduct, assault, and/or harassment. Seven corrections staff were named in more than one incident. Threats to safety, moreover, were disproportionately experienced by Black ACJ residents: 64% of Black residents reported not feeling safe in ACJ— 10% higher than White residents.[\[38\]](#) The study also found that nearly half (45%) of respondents witnessed physical abuse and 50% were subjected to verbal abuse by ACJ staff. Nearly a quarter reported more than three incidents of verbal abuse by ACJ staff. And 19% of respondents reported experiencing physical abuse by a staff member. One respondent conveyed a sense of the climate created by such widespread physical intimidation and abuse:

I never seen an inmate ever put any hands or feet on an officer but at least 20 times I seen inmates being punched and tackled and tased by multiple officers for the smallest infractions like just talking back every day. They come on the pod with 3 or 4 officers with riot gear and guns to intimidate us and we are not to challenge them. Their uniforms are branded with a reversed American flag as if they are the United States army going into battle and that's how they treat us in here. Like we are prisoners of war.[\[39\]](#)

Public authorities have failed to respond effectively to this substantial evidence of human rights abuses in ACJ. ACJ's Warden Orlando Harper has drawn growing criticism from diverse sectors, and this respondent to a survey of inmates captured widely shared concerns:

Warden Harper completely disregards laws concerning inmate rights. And has no repercussions or check and balance system. The jail oversight committee is a fraud. They hold meetings, ask Warden questions, and take his answers as gospel without any investigation.[\[40\]](#)

In 2020, Harper refused to release unredacted policies on mental health, suicide prevention, administration of medications and accommodations for people with disabilities. In the past, ACJ even declined to allow board members to view the unredacted policies, contrary to State law. The Warden insisted that submitting them with fewer redactions would “jeopardize the safety and security” of the jail, and yet five of the other most populated counties in Pennsylvania provided similar policies, either in full or in part without an issue.[\[41\]](#) In 2021 and 2022 his own staff[\[42\]](#) and the *entire Pittsburgh Post-Gazette editorial board*[\[43\]](#) joined human rights advocates in recommending the removal of ACJ Warden Orlando Harper, yet he remains in his position. And Wilson Bernales, one of two medical doctors currently employed in ACJ had his medical license revoked or denied in at least eight different states.[\[44\]](#) He began working at ACJ in July 2022 and is currently suspended pending investigation of his education and work history claims.[\[45\]](#)

These failures in the enforcement of human rights protections can be attributed to political structures that tolerate conflicts of interest and invite corruption. In Allegheny County, the County Executive serves as one of ACJ's nine board members of the Jail Oversight Board (JOB) and is permitted to seat 3 citizens, defined as individuals who do not work a paid government job. However, current County Executive Rich Fitzgerald rarely attends meetings and sends the jail Warden in his place. Executive Fitzgerald even moved to appoint a former Warden permanently but lost the vote by one. Some board members and observers correctly pointed out that it is not legal to allow any Allegheny County staff to serve on a seat of the jail board. Additionally, existing citizen appointees complain that existing board members are apathetic and reject motions to hold ACJ accountable.[\[46\]](#)

Recommendations

Improve Police Compliance with Global Human Rights Guidelines

Governments at all levels should enact legal limits on police use of force, and Pittsburgh Bureau of Police policy regarding Use of Deadly Force^[47] must be brought into alignment with the United Nations Code of Conduct for Law Enforcement Officials^[48] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.^[49]

Efforts in the United States to implement recommendations from the recent review by the Committee on the Elimination of Racial Discrimination (CERD/C/USA/CO/10-12)^[50] would help remedy many of the disparities we have identified in this report. Specifically, governments at all levels in the United States must work to: combat racial profiling and the excessive use of force by police and improving mechanisms for holding offenders accountable (Par. 19, par. 21), amend laws to remedy the *disparate racial impacts* and repeal racially biased laws and policies (par. 28), reduce unnecessary policing and (par. 28), and address the disparate racial impacts of collateral consequences of the criminal legal system (par. 28).

Accessible Data to Improve Democracy and Accountability

Assembling data to demonstrate ongoing abuse of people of African descent in Allegheny County has been challenging due to governmental barriers to data access. We therefore urge national and local leaders to heed the August 2022 report of the Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement to the Human Rights Council (A/HRC/51/55)^[51] which focused on this issue and offered numerous recommendations to provide guidance for authorities in improving existing practices, notably the OHCHR's *Human Rights Based Approach to Data*.^[52] We also urge attention to the challenges citizens and reformers have faced in understanding the legal landscape of police accountability, which is complicated by data inaccessibility, complexity in terminologies, and fragmentation of data across local governments units.^[53]

These recommendations are echoed locally in reports by multiple activist groups, including the [Community Task Force On Police Reform's 2020 Report](#)^[54], Abolitionist Law Center's [Court Watch Report](#)^[55], the Alliance for Police Accountability's [Reimagining Public Safety in Pittsburgh and Allegheny County: A Community Vision for Lasting Health and Safety](#)^[56], and Pittsburgh Human Rights City Alliance's [Recommendations to Align Pittsburgh Police Practices with International Law and Human Rights Standards](#).^[57]

Notes

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