

# Independent CITIZEN POLICE REVIEW BOARD

City of Pittsburgh  
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USA

Assisted by the Densus Group

## Citizen/Police Engagement May 30 - June 1, 2020



April 2022

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## Addenda

IACP Crowd Management Model Policy

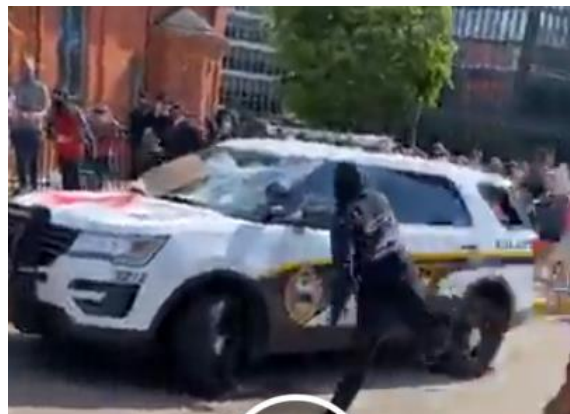
Independent Citizen Police Review Board Members

## Introduction

On Monday, May 25, 2020, in Minneapolis Minnesota, George Floyd died while in the custody and control of Minneapolis Police Officer Derek Chauvin. While attempting to gain compliance of Mr. Floyd who was prone on the street and handcuffed, PO Derek Chauvin placed his knee on Mr. Floyd's neck and applied pressure for 9 minutes, 29 seconds. Assisting Chauvin were PO J. Alexander Kueng who knelt on Mr. Floyd's back, PO Thomas Lane who held his legs and PO Tou Thao who kept onlookers back from the scene. Mr. Floyd verbalized that he could not breathe but his pleas were unheeded and he lost consciousness and died. Mr. Floyd's official cause of death is recorded as "cardiopulmonary arrest complicating law enforcement subdual restraint, and neck compression," the manner of death, homicide. The officers, Derek Chauvin, Thomas Lane, Tou Thao, and J. Alexander Kueng were fired.

Derek Chauvin was charged with, and ultimately convicted of, second-degree unintentional murder, third degree murder and second-degree manslaughter. He was sentenced to 22.5 years in prison for the state convictions. Thomas Lane, Tou Thao, and J. Alexander Kueng were charged in state court with aiding and abetting murder and manslaughter. That trial was moved to June 2022.

Kueng, Lane, and Thao were charged with violating Mr. Floyd's civil rights under the color of law including deprivation of Mr. Floyd's right to be free of the officers' deliberate indifference to his need of medical care and his right to be free from unreasonable force. Thao and Kueng were charged with failure to intervene and stop Chauvin's excessive use of force. Chauvin was charged with violating Mr. Floyd's right to be free of unreasonable force and unreasonable seizure. The four former police officers entered not guilty pleas but Chauvin eventually changed his plea to guilty on the federal charges. The other three were convicted of the civil rights violations and await sentencing.



The effect of George Floyd's death on the country was profound. Spontaneous demonstrations and protestation of police tactics spread like wildfire. Most notably, the incident ignited the passions of young people seeking justice, equitable racial relations, and accountable policing. The Black Lives Matter (BLM) movement, with its message that black lives matter, black organizing matters, black policies matter and black joy matters, swept the world. In Pittsburgh, the fervor for racial justice and police reform was raging. Through the period of May 29, 2020 – June 1, 2020, under the BLM umbrella, thousands of people attended peaceful protests, participated in bike escorts, marches, and

allied actions. Unfortunately, incidents of civil disorder, instigated by a few militant individuals, dishonored the lawful and earnest demands for social justice and police reform.

## Pittsburgh May 30 – June 1, 2020

On Saturday May 30, 2020, at approximately 2:00 p.m., protestors started gathering around Sixth & Liberty. The crowd grew considerably and was mobile by 3:20 p.m. heading up Fifth Avenue. By 4:00 p.m. thousands of protestors were gathered in front of the Courthouse on Grant Street. Groups started to splinter in different directions and by 4:25 p.m., a group was attempting to block the ramp onto the Liberty Bridge, others moved toward the Sister Bridges and the Veterans Bridge. A large contingent continued moving uptown to the area of the PPG Arena. At approximately 4:30 p.m., a marked Pittsburgh Police vehicle (Unit 3212) was spray-painted, its windshield smashed, and set on fire. A mounted patrol was staged near that scene. When the mounted unit moved in to disperse the vandals, a participant in the vehicle assault taunted and attempted to strike the horses with a stop sign pole. Others threw bottles, rocks and other projectiles at the unit and the mounted unit left the scene. This action is cited as the moment the movement went from peaceful, energetic protest to violent disorder. The evidence supports a theory that the demonstration was hijacked by interlopers with nefarious motivation contrary to the message of the protest. As a crowd moved down Washington Place toward Fifth Avenue around 5:15 p.m., an unmarked blue Pittsburgh Police vehicle (Unit 3F04) was assaulted by several violent men. The windshield was smashed, men jumped on the hood & roof, battered the vehicle with a stop sign pole and wooden club, finally, the interior of the vehicle was lit on fire. Eventually the actors in both vehicle burnings were identified, arrested, and convicted.

In other areas of downtown, roads were closed or blocked by protestors. Police were assaulted with bottles, rocks, Molotov cocktails, fireworks, and other projectiles. A lit firework was thrown at an officer and became stuck in his ballistic vest. Police responded with gas and less lethal munitions. Less lethal measures included the use of tear gas (CS), Oleoresin Capsicum (OC) gas, smoke or a combination, and sponge or bean bag rounds.

Fires were started near businesses and in dumpsters, a barricade was erected to prevent access by police. Several groups of people were rampaging through the streets, smashing windows, looting, ornamental structures were damaged and the Department of Public Safety declared downtown as unsafe by 6:00 p.m.

The Special Response Team ([SRT](#)) is the police unit that monitors events and is charged with protecting the civil liberties and safety of all participants and non-participants of constitutionally protected activities, including protests and demonstrations. The SRT provides the Mobile Field Force which deploys as small teams of officers prepared to intervene and



manage civil disorder, civil disturbances, and riots. The Special Weapons and Tactics Team ([SWAT](#)) is a highly specialized unit available to respond to situations requiring a comprehensive tactical response by a concentrated team of highly skilled personnel and equipment. SWAT was called in to assist the SRT with breaching a barricade and securing the intersection of 5<sup>th</sup> & Smithfield.

The original march had disassembled and the situation devolved from a legitimate protest into chaos and dangerous civil disorder lasting more than seven hours. Other groups sprawled throughout the area, blocking streets, attempting to occupy the Liberty Bridge, successfully occupied the Veterans Bridge. A photojournalist and television reporter were assaulted. At least 46 people were arrested (16 City residents, 2 juveniles and 28 non-City residents), 4 police officers required hospital treatment, the number of civilian injuries is unknown, and 71 businesses were damaged. Following the chaos of the day, Mayor Peduto imposed a curfew of 8:30 p.m. – 6:00 a.m. until Monday, June 1, 2020.

Community members, though disheartened with the events of Saturday, re-convened on Sunday, May 31, 2020, and resumed protesting police brutality and demanding social justice. The movement was energized and organized. Pittsburgh Police were supplemented with officers from local police agencies, including the Allegheny County PD, Allegheny Co. Sheriff's Office, PA State Police, and FBI. Protest demonstrations on Sunday May 31, 2020, were smaller and proceeded peacefully and without violent incident. Everyone protesting on Sunday May 31, 2020, dispersed upon notice that curfew was imminent.



On Monday, June 1<sup>st</sup>, 2020, Gov. Wolf declared a disaster in Pittsburgh to assist the City with restoring order and cleaning up the damage incurred on May 30, 2020, by opportunists exploiting peaceful protests.

Around 1:00 p.m. on June 1, 2020, local clergy lead hundreds of people in a “Prayer and Protest Rally” which consisted of a vigil and march from Freedom Corner to the City County Building. A protest was scheduled to commence at 3:00 p.m. in East Liberty at the intersection of Penn and Centre near the Target store. Several hundred protestors approached the area from all sides. Police facilitated safe passage for the marchers, supplemented by a large contingent of civilian bicycle escorts. The march travelled in the area for about three hours, returning to Penn and Centre. Following the conclusion of this peaceful protest supporting Black Lives Matter and calling for changes in the use of force by police the crowd broke up between 5:00 – 5:30 p.m.

As the crowd disbanded, some people started smashing windows along the street but the crowd utilized police assistance and self-policing to stop the vandalism by the few. Two men were observed open-carrying short barreled Automatic Rifles. Five or six men clad in black with respirators were observed in the vicinity and another was seen with a concealed sledgehammer. These observations and the property damage elevated tension between the protestors and police. A lingering group of protestors proceeded west on Centre Ave until they were stopped by a police line at S. Negley. Once there, the group began chanting [“This is not a riot, don’t shoot.”](#) There were individuals ahead of the protestors who were goading protestors and police, attempting to instigate a disturbance of some sort. The majority of the departing protest group was earnest, loud and lawful. Police executed several “lightning strikes” to remove overt agitators from the protest activity. A lightning strike is as it sounds, a swift intervention focused on arresting an individual or individuals while everyone else is free to leave or carry on their activity.

As the protestors gathered at S. Negley and Centre continued to protest, several individuals clad in black or dark clothing, hoodies, face-coverings, carrying small bags and backpacks, moved out from the crowd to flank the group. While it is not clear who actually threw the first water bottle, it is clear that it came from the left side of the group. Following the first few water bottles, a number of large palm sized gravel rocks were thrown at the police line. At 7:35 p.m., police declared the gathering to be an Unlawful Assembly, warning that less lethal measures may be used if the crowd did not disperse. Less lethal measures include the use of tear gas (CS), Oleoresin Capsicum (OC) gas, smoke or a combination, and sponge or bean bag rounds. An “unlawful assembly” may be declared when acts of violence are emanating from a gathering of three or more persons; it is not the gathering itself but the violence, or reasonable belief that violence is imminent, coming from within the gathering that is unlawful.

The crowd dwindled very little and the front line seemed not to lose anyone. As the front-line continued chanting, water bottles and palm-sized rocks were continually thrown at the police line. The police issued a third declaration that the gathering was an unlawful assembly and warned that failure to disperse will result in the use of less lethal measures to disperse them. Moments later [the PBP threw “gas” of an undetermined nature, \(Video 1\)](#). Generally, once permission is given to deploy gas, the type of gas used is at the discretion of the officers attempting to gain control and compliance of a disorderly situation. The first canister deployed will be smoke to determine the direction of the wind and atmospheric conditions capable of affecting gas dispersion. At 7:27 p.m. the police unit received permission to deploy gas and less lethal projectiles. Immediately after deploying the smoke, police discharged numerous sponge

and bean bag rounds. It is unknown if the officers' visual acuity was obscured by the smoke which, if it was, would mean they were firing projectiles blindly. Some people in the crowd continued throwing bottles and rocks at police and police continued discharge of less lethal munitions and gas until 7:34 p.m. At 7:47 p.m. officers requested that hospitals be on the



lookout for anyone arriving with bean bag injuries as two protestors were unaccounted for. Shadyside Hospital notified police that one injured person arrived for treatment of a bean bag injury. Spent canisters were collected from the area and confirmed that smoke and gas were deployed.

From 7:28 p.m. until 7:34 p.m., the police were pushing the crowd back from S. Negley, east on Centre into the Penn Avenue intersection near the Target store. During that time rocks and bottles were thrown at police and police continued deploying less lethal munitions and gas. Many were arrested or taken into custody and later released. Police units were staged at Beatty and Highland to prevent protestors from leaving Centre Avenue. There was not a major street or open area offering easy egress from Centre. This restricted movement gave rise to public complaints that people were trapped by police. The limited opportunities to exit the push toward Target included between buildings, parking lots and alleyways ([some small routes for dispersal along the way](#)). At 7:34 p.m. an EMS vehicle was vandalized on Centre Avenue, reducing the availability of medical aid for protestors and officers.

## Applicable Laws and Pittsburgh Police Orders

[US Constitution, 1<sup>st</sup> Amendment](#)

[PA Constitution, Article 1, Section 7](#)

[Ch. 55 Title 18 Crimes and Offenses](#)

[PBP Order #42-13 SRT "Special Response Team"](#)

[PBP Order #42-11 SWAT Policy and Operating Guidelines](#)

[PBP Order #12-06-Use-of-Force](#)

[PBP Order #12-07-Discharge-of-Firearms-and-Less-Lethal-Weapons](#)

[PBP Order #12-09-Pepper-Aerosol-Restraint-Spray](#)

[Title 18 Sec 508 Use of Force in Law Enforcement](#)

[Title 18 Sec 2702 Aggravated Assault](#)

[Title 18 Sec 5548 Police Animals](#)

## Examples of police actions resulting in civilian injuries:



This individual was hit in the mouth by a bean bag round on June 1, 2020, in East Liberty. Unless deadly force is appropriate, officers are prohibited from intentionally targeting a person's head, neck, throat, chest, or genitals. In this instance, it could not be determined the circumstances resulting in this injury or if the required warning was issued prior to discharge of the bean bag. The individual and involved officers would not cooperate with the investigation.

Another incident involved an orderly young woman squatting on a sidewalk corner next to the Sichuan Spice Restaurant. Nearby, a police line started to advance and an officer clad in full riot gear armed with a ballistic heavy stream canister of OC spray stepped toward her and discharged at least two bursts directly at her ([OC aerosol incident](#)). Policy prohibits discharge of potent OC aerosol spray unless the officer is three feet or more from the subject. OC spray is an inflammatory substance and is recommended as an alternative use of force when confronted with physical resistance or threat of resistance is imminent.

This person was hit in the leg by two bean bag rounds on June 1, 2020. He sought out medical treatment on his own.

On May 30, 2020, a young man was hit in the head by an unknown projectile. He lost his right eye.



The extent of injuries sustained by police officers is



unknown.

A significant accountability concern recognized by staff is related to the anonymity available to the SRT members. In crowd control situations, SRT is exempt from disclosing name & badge, exempt from uniform standards including wearing a badge & name plate, are prohibited from conversing with anyone participating in a protected activity. Perhaps this is intended to inhibit expression of an officer's personal biases and political stance, but in effect it undermines public trust and offers a pass on accountability.

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## Engagement with The Densus Group

On June 2, 2020, the Executive Director opened an inquiry into the events of May 30 – June 1, 2020 (#107-20 EDI). On June 3, 2020, Mayor Peduto asked the Board to conduct an independent investigation into the police response of that weekend.

The investigation required objective assessment by professionals with expertise in public order. The Board was required by City procedures to issue a Request for Proposals. Finally, in February 2021, a contract was signed with the Densus Group to conduct an After-Action Review of the Pittsburgh Bureau of Police response to the protests, marches, and demonstrations between May 30 -June 1, 2020.

The adjustments necessary during the COVID-19 pandemic impeded local field work but investigators conferred with the Densus Group weekly to assure materials and information were available. Despite initial optimism regarding cooperation from the Bureau of Police, efforts to facilitate on-going communication between Densus and police supervisory personnel were unsuccessful. Police officers who have been sued over the police actions of May 30 – June 1, 2020, declined to schedule interviews or missed scheduled appointments. Many officers could not be identified. OMI was not involved in this review. Community members offered minimal cooperation.

The After-Action Review provided by the Densus Group reports details of tactical importance and offers recommendations that if adopted, would strengthen the discipline and consistency of the Bureau's management of public order and transparency.

## Densus After Action Report (AAR)

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