



Text File

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Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title One: Administrative, Article Three: Organization, Chapter 116: Department of Public Safety by adding a new section, "§ 116.17 - Regulation of Pedestrians Stops by Officers of the Bureau of Police."

**Whereas**, the Department of Justice's Bureau of Justice Statistics describes "law enforcement" as: "the agencies and employees responsible for enforcing laws, maintaining public order, and managing public safety. The primary duties of law enforcement include the investigation, apprehension, and detention of individuals suspected of criminal offenses.", <https://bjs.ojp.gov/topics/law-enforcement>; **and**,

**Whereas**, § 301 of the Pittsburgh Home Rule Charter states, "[t]he legislative power of the City shall be vested in a council."; **and**,

**Whereas**, the Act of March 7, 1901, P.L. 20, art. XIX, § 3, 53 P.S. § 23103, which states, "Every city of the second class, in its corporate capacity, is authorized and **empowered to enact ordinances** for the following purposes, in addition to the other powers granted by this act."; **and**,

**Whereas**, among those purposes enumerated is the Act of March 7, 1901, P.L. 20, art. XIX, § 3, cl. XVI, 53 P.S. § 23120, which states, "To regulate the police of the city ..., for the benefit of the city."; **and**,

**Whereas**, Ordinance 21 of 2011, effective October 20, 2011, adopted by City Council in the wake of the vicious attack, by non-uniformed Bureau officers of Jordan Miles, then a teenager from Homewood North, required the Bureau of Police to account for, in its Annual Report, detailed statistics of field contacts resulting in warrantless searches and/or seizures; **and**,

**Whereas**, the citizens of Pittsburgh urge the Bureau of Police to take steps to help protect what the public has decided as the appropriate level of public order; **and**,

**Whereas**, such changes will aid the City in living up to its affirmative obligation to obey Article I, §§ 8, 26, 28 and 29 of the Constitution of the Commonwealth of Pennsylvania and § 204(j) of the City's Home Rule Charter.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code of Ordinances Title One: Administrative, Article Three: Organization, Chapter 116: Department of Public Safety is hereby supplemented as follows:

**§ 116.17: Regulation of Pedestrians Stops by the Bureau of Police.**

- a. **Legislative Intent** - It is the purpose of this legislation to further the just, equitable, and fair enforcement of the law for all people, to provide for the fair and transparent administration of the code with respect to all, to prevent racial disparities, and to protect public safety in a manner consistent with these values.
  
- b. **Definitions**
  1. **Stop and Frisk.** Any or all of the following:
    - i. Investigative Stop of a pedestrian.
    - ii. Investigative Detention of a pedestrian.
    - iii. “Terry Stop”, defined by Terry v. Ohio 392 U.S. 1 (1968).
    - iv. Warrantless Search and Seizure of a pedestrian.
    - v. Any other procedure by which an officer detains and conducts a brief investigation of a pedestrian to confirm or deny that the pedestrian is involved in a criminal activity where probable cause does not yet exist.
  2. **Reasonable suspicion.** Objective facts and circumstances known to the officer that would lead a reasonably cautious person to conclude that a crime has been committed.
  
- c. **Regulations**
  1. Prior to initiating a “stop and frisk” of a pedestrian, as defined in § 116.17(b)(1), an officer shall be required to document and/or memorialize those facts which constitute the reasonable suspicion used as the basis for the stop;
  2. An officer shall document and/or memorialize that reasonable suspicion by use of body-worn or vehicle-mounted recording devices, notification to dispatch prior to initiating a stop or other such methods as prescribed by the Chief of the Bureau of Police;
  3. In any case where the stop does not result in an arrest, an officer shall provide the pedestrian with documentation of the reasonable suspicion which formed the basis for the stop unless officer safety or confidential requirements would otherwise prohibit release of the information.
  
- d. **Construction.** This section shall not be construed to supersede and state or federal law.

- e. **Severability.** If any one or more section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance shall for any person or circumstance be held to be illegal, invalid, unenforceable, or unconstitutional, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance which is operable without the offending section, subsection, sentence, clause, phrase, word, provision or application shall remain effective notwithstanding such illegal, invalid, unenforceable, or unconstitutional section, subsection, sentence, clause, phrase, word, provision or application, and every section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance are declared severable.
- f. **Conflict with other Ordinances or Resolutions.** All Ordinances or Resolutions inconsistent with these provisions are hereby repealed to the extent of their inconsistency.
- g. **Annual Review.** The Bureau shall provide the Department of Public Safety and City Council with an annual report on this Ordinance for purposes of review.
- h. **Effective Date.** This Ordinance shall take effect concurrently with Ordinance Number 29 of 2021.