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July 19, 2021

U.S. Attorney Stephen R. Kaufman  
Joseph J. Weis, Jr. U.S. Courthouse  
700 Grant Street, Suite 4000  
Pittsburgh, PA 15219

**Re: Video evidence of criminal assault at Allegheny County Jail**

Dear United States Attorney Kaufman:

Greetings. We hope this letter finds you doing well. We are providing your office with enclosed video evidence of an assault against our client, Kimberly Andrews, by staff at Allegheny County Jail (ACJ). The matter is being referred to your office at the request of our client following a *sua sponte* recommendation from a corrections expert retained by our firm in the case of *Andrews v. Allegheny County*, 2:19-cv-00670. Ms. Andrews is requesting that your office investigate this assault and take appropriate action in regard to criminal violations perpetrated against her by Sergeant Alyssia Tucker with the acquiescence of the entire command chain up to and including Warden Orlando Harper. It is further requested that any investigation focus on systemic instances of excessive force that are authorized and enabled by a policy that permits ACJ staff to act with virtually unlimited discretion, resulting in systematic instances of objectively unreasonable – and often brutal – uses of force.

**Concise summary:**

On May 31, 2019, Kimberly Andrews was assaulted by Sgt. Tucker at the ACJ. Ms. Andrews was returning from the hospital after she was taken there following her second suicide attempt in 9 days while being held in solitary confinement. She was being escorted through intake to the elevator that would take her back to her housing unit. Ms. Andrews was handcuffed and compliant at all times, as can be seen on the video. As she was entering the elevator, Sgt. Tucker shoved her hard from behind, forcing Ms. Andrews to thrust forward and hit her head against the bar at the other end of the elevator. Sgt. Tucker then immediately discharged her taser into Ms. Andrews' back. Following this assault, Ms. Andrews lay prone on the floor. She still offered no physical resistance. Sgt. Tucker and other officers then pounced on Ms. Andrews, Sgt. Tucker using her taser again. Ms. Andrews lost consciousness during this assault, eventually waking up strapped to the restraint chair.

During the discovery process of a civil lawsuit regarding, *inter alia*, this incident, we obtained video of the above-described assault. Our use of force expert, Bradford Hansen, a 44-



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year veteran corrections official from Nebraska, stated without any prompting in his expert report that the video should be shared with law enforcement. We shared that assessment with Ms. Andrews and she indicated that she wanted the video to be provided to an entity with the authority to hold Sgt. Tucker to account.

### **Relevant factors in support of an investigation:**

The following factors are important considerations justifying a prompt investigation:

- The video speaks for itself: this is an unjustifiable assault from behind on a person who is handcuffed that included the use of a dangerous electro-shock weapon. An abuse of authority of such severity cannot be treated with impunity.
- Sgt. Tucker falsely claimed in both her report on the incident and in deposition testimony that Ms. Andrews was physically combative prior to the use of force. ACJ policy requires supervisory staff to review all uses of force for policy violations. Despite clear video evidence showing that Sgt. Tucker lied in her report and that Ms. Andrews was assaulted by Sgt. Tucker, supervisory staff did not find Sgt. Tucker violated any policy and she was subjected to no discipline. That ACJ leadership has not disciplined Sgt. Tucker for this matter constitutes acquiescence to flagrant criminal conduct, thereby requiring external intervention to ensure the legal rights of incarcerated people are not violated by Allegheny County government employees and officials.
- This is not an isolated incident. In recent years, ACJ has had the highest number—by a substantial margin—of uses-of-force by corrections officers on incarcerated individuals of all the county jails in Pennsylvania, accounting for nearly 15% of the statewide total.
- In 2019, the year the assault perpetrated in this video occurred, ACJ had the most uses of the restraint chair, 339 times, which was more than twice that of the county with the second highest number of instances. This reflexive use of the restraint chair is seen in the video, in which an officer immediately runs from the scene when Sgt. Tucker initiates the assault only to return soon after with the restraint chair.
- ACJ has had the highest number of taser and stun gun use on incarcerated individuals, nearly five times that of the second highest county. In 2019, officers at ACJ used tasers 146 times, approximately 12 times more on a per capita basis than all other jails in the state. That is, in Pennsylvania, which has 67 jails, ACJ alone accounted for a full 50% of all uses of tasers in 2019.
- The expert report of Bradford Hansen, attached hereto, provides a compelling analysis of



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the systemic deficiencies in ACJ's use of force practices. These deficiencies amount to an intentional policy of permitting excessive use of force on incarcerated people in violation of federal civil rights law. For example, see pages 20-21, which contains these excerpts:

Warden Harper was asked the question in his deposition (page 97) so is staff permitted to use force against an inmate for any violation of ACJ policy? Warden Harper responded, "Absolutely."

Warden Harper's lack of understanding of the use of force policy which includes the restraint chair is alarming. The statement that he made in his deposition at the end of his explanation as to what circumstances the restraint chair can be used, is a prime example of why the numbers of the use of the restraint chair in 2019 were so high at ACJ. . . . The Warden admits that the restraint chair is used as a device to change one's behavior and the Training Sgt admits that if an inmate refuses a direct order, they will go in the restraint chair. This completely violates ACJ policy on the use of restraint chairs and also ACA and NCCHC standards. Supervisors were authorizing the use of restraint chair as punishment and discipline.

- Relatedly, we are attaching an indictment from the Atlanta Division of the United States District Court for the Northern District of Georgia against Victor Hill, the Clayton County Sheriff responsible for the Clayton County Jail. Mr. Hill was charged with violations of 18 U.S.C. § 242 for multiple instances in which he authorized incarcerated people "to be strapped into a restraint chair for a period exceeding that justified by any legitimate nonpunitive government purpose." This indictment was filed on April 19, 2021, providing a contemporaneous precedent of federal enforcement of constitutional rights in a county jail facility that is all too relevant to Allegheny County.

In closing, it is important to recognize that the stark, nearly absolute power disparity between captor and captive requires strict adherence to law in order to prevent the abuses of power seen in the video we are presenting to your office. We ask that your office act in accordance with this principle and ensure that ACJ officials and staff are not allowed to commit crimes with impunity.

Sincerely,

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