

Honorable Joseph V. Schember, Mayor
via fax (814-870-1208) and email (jschember@erie.pa.us)
City of Erie
626 State Street
Erie, PA 16501-1128

Dear Mayor Schember:

This office represents Hannah Silbaugh, who was subjected to unreasonable use of force by officers of the City of Erie Bureau of Police on Saturday evening at the intersection of State Street and North Park Row. Ms. Silbaugh, a 21-year-old woman, was sitting on the street and exercising her First Amendment right to petition for redress of grievances. In support of that she was engaging in civil disobedience by sitting in the street.

A group of approximately five City of Erie police officers, in riot gear and carrying riot shields, approached the group of protestors and ordered them to disperse, within seconds spraying them with mace or pepper spray. Many of the protestors yielded to this sudden and unnecessary use of force; Ms. Silbaugh did not. As police continued to mace her, she covered her face with her hands. At that point, she was viciously kicked in the left shoulder by a City of Erie police officer and was knocked to the ground. The police used this as an opportunity to spray mace under her hands and into her eyes. She remained in her position and was threatened with a taser, at which point she left the scene. She was not arrested or cited for any criminal offense. We believe this is because it would have required the officers in question to identify themselves which they did not wish to do for obvious reasons.

There is, as you know, extensive video of the incident and the events leading up to it. No video or witness we are aware of indicates that Ms. Silbaugh engaged in any act of violence or destruction of property. Nothing she did justified the use of excessive force including mace and aggravated assault by a foot strike.

We are not yet aware of the true motives of the officers involved, except to say that the video speaks for itself and it appears that they were carried away with their mandate to clear the streets. However, there is no reason that, if they needed to progress past her, they could not have simply walked around her or driven the SWAT van around her. Given the very large size of the five officers, they could easily have lifted her under her arms and moved her out of the street if that was deemed necessary without causing any injury or threatening serious bodily injury.

There is no question but that the actions of the officers were intentional and they were intended to interrupt Ms. Silbaugh's exercise of her right to free expression.

Ms. Silbaugh did suffer injury as a result and continues to recover from the effects of the mace or pepper spray.

Please accept this letter in lieu of Form 118K, City of Erie Bureau of Police Citizen Complaint Form.

Ms. Silbaugh may be contacted through me. We are unaware of the identity of the officers involved.

We are aware of several witnesses, including Lisa Clark, who video taped approximately 3 and 1/2 hours of the demonstration. There are numerous other videos available on social media which we are attempting to collect.

In our constitutional democracy, preservation of the freedoms guaranteed by the Bill of Rights should be of paramount importance to the civil authorities, including the police. While we recognize that the police may have a difficult job to do, that does not justify the indiscriminate use of force against citizens who are peacefully protesting an incident where a nonviolent person was killed by a police officer. While the events certainly generated excitement among the police department, its leadership was not able to keep that excitement in check and harness it for its intended purpose, but permitted it to turn into raw emotion and senseless physical attacks.

We believe that it is essential that the officers who assaulted Ms. [redacted] be identified and held to account, which we intend to do. As you know, there are many avenues to accomplishing this goal, some of which can be accomplished cooperatively and easily, others of which may require litigation. We would certainly hope to be able to resolve this issue without resort to litigation but you should be aware we are willing to use whatever tools are necessary to effect justice.

The Honorable Joseph V. Schember

June 2, 2020

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Please have someone from the City contact with the identity of the officers and advise as to the City's intention on investigating and imposing disciplinary action on these officers.

Thank you.

Very truly yours,

MCNAIR LAW OFFICES, PLLC

By: 

Timothy D. McNair, Esquire

cc: Hannah Silbaugh *via email*
Dan Spizarny, Chief *via email*
Citizens Response Center *via hand delivery*