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NEWS FEATURE

## Sergeant Pepper

**Police pepper spray two North Braddock kids in the same hour. How necessary was that?**



On the afternoon of Oct. 16, Rhonda Wright sat in the North Braddock police station. Her 14-year-old nephew Carlos Sledge, who lived right across the street from her, had been pepper-sprayed in front of his home after school by officers who had confronted Carlos at the center of a group of junior-high boys heading toward a confrontation, but one that had not yet turned violent.

Rhonda Wright was not allowed yet to see Carlos, but as she sat in the police station two other girls were brought in. "I started gagging when they came past," Wright says. Coincidentally enough, these girls too had been hit with pepper spray: "The younger girl had a white shirt on and it was completely orange" from the spray, Wright says. "They had to hose them down."

Police officers and paramedics took the girls out back, "scrubbing those kids down like elephants," Wright says.

Joseph Jones saw it too. The girls -- 11-year-old Jada Lee and 14-year-old Dezerea Lee -- are his nieces, and he had come to the station to retrieve them after Jada, had been picked up for almost fighting on a North Braddock street not far from the Sledge residence; Dezerea had gotten involved after trying to come to Jada's aid. When Joseph Jones arrived, his nieces were back in the station hallway after being hosed down.

"It was a pretty brisk day outside already,"

he says, "and they [were] soaking wet; they [were] down to their bras. They just had what the paramedics gave them," which he describes as small white blankets that did not hide their chests. "You could see these girls' breasts. I said 'Why is there no lady cop?' There wasn't a lady present. They were crying."

He touched their clothes and the pepper spray "starting messing with me," he reports. "That's how much there was: It was affecting me."



No national statistics exist on how often police officers use pepper spray. Guidelines from the Department of Justice and the International Association of Chiefs of Police contain recommendations and standards for its use, but each police department has its own rules.

"The reality is, even though these groups have these standards, a small department like [North Braddock] realistically is not going to impose them," says pepper-spray foe Lynne Wilson, a Seattle attorney and police accountability activist

In North Braddock -- a poor, mostly black community -- Lt. Dean Bazzone cites state law in refusing to give police reports about the juveniles above, saying only that his officers are to use pepper spray in "violent or uncontrollable situations." No warning needs to be given, he says, nor does his department keep statistics on its use.

"It is a weapon," says Wilson, "although it's less lethal than a firearm." There are constitutional limits to its use under the courts' interpretation of the Fourth Amendment. "Pepper spray is like using a baton [or] using a dog on someone," she says. Law enforcement officers "can only use it if they were arresting someone."

While there is no legal distinction between juveniles and adults in pepper spray police rules and court rulings, "There is a medical distinction," Wilson notes. The chemical, Oleoresin Capsaicin, is more damaging in youths than in adults because younger,

smaller individuals have less lung capacity.

"I suspect I probably know as much about this as anyone else in the world," says Richard Isaacs, speaking from his home in New York. He is senior vice president of Lubrinco Group, which offers investigative and protective services, and says he introduced pepper spray to the 1988 conference of the American Society of Law Enforcement Trainees, the largest police training organization in the world. Tear gas "had gone out of favor" by then, he reports, but pepper spray was about to take off.

"Tear gas is an irritant," Isaacs explains. "Pepper-based sprays do not use pain as a controlling factor -- the control is when the person inhales the spray. It inflames mucus membranes of the trachea. It doubles the person over with uncontrollable coughing."

With appropriate use, he says, it has a "near-zero failure-to-control rate."

The Lee sisters can vouch for that.



Why did the North Braddock police pepper spray these kids? "Defendant did create a hazardous condition by act which served no legitimate purpose," it says on Jada Lee's citation, which the citing officer helpfully translates as "(continuously fighting other juve[nile] after school)."

A fifth grader at Fairless Elementary in North Braddock, Jada has been cited for fighting twice before and performed 50 hours of community service at the Rankin Community Center each time, her mother Laverne "Bernie" Jones reports. But Jada says this dispute with a schoolmate was unwanted, and never went past the threat stage. The two police witnesses listed on the bottom of her citation were not available to dispute her -- one did not respond to an interview request, and the other did not respond at her residence, which had a "For Rent" sign in the window.

Her citation, Jada says, came when she did not get into the police car as quickly as the officer apparently wanted.

"They put me in the same cell as her," Dezerea says. "There was so much [spray] in there it started burning my eyes. [Jada] said it was burning real bad. I started to cry, the way she was jumping around."

Carlos Sledge -- that day's other pepper spray recipient -- was in a nearby cell.

"Feels like your face is on fire," he reports.

Carlos is a student at East Junior High in Turtle Creek and says he has never been in trouble with police. The Sledge living room table is filled with baseball trophies from Little League, Pony League and the Pirates-sponsored Roberto Clemente All-Stars. But that afternoon Carlos was in jail, and his father was in there with him.

Charles Sledge says he was taken to jail because he was trying to let his son wash off the spray. The police wanted Carlos to come back out of the house, where he had fled after the spraying; Charles invited police in, he says, but was arrested instead, although never charged. After being released from his cell, Charles waited for his son, who was being hosed down as well. But the girls seemed to be in worse shape.

"I'm sitting in the hallway," he says, "listening to the girl [Jada] scream, 'Help me, help me, help me.' She's womanly developed. She's out there in her bra. She had to be cold. It reminded me of the '60s, when they used to hose African-Americans in the riots. She wasn't trying to run anywhere."



"I've been sprayed several dozen times with that stuff," says pepper spray advocate Richard Isaacs. "I wouldn't say it's fun. The recovery time is the same whether you wash [recipients] off" or not. "I have sprayed asthmatics with it myself. It has not been a problem. I'm in favor of [its] use in general, as opposed to shooting people, as opposed to whacking them with sticks."

What about using the spray on kids? "I've seen relatively few uses on juveniles," he says -- because they either stop or run

away before it can be used, he theorizes. And he has no stats on its use in any case - a fact that is "very annoying."

Still, Isaacs wonders why the kids weren't simply told to stop, or pulled apart. That's one thing on which he and spray opponent Lynne Wilson agree.

"They probably could have just talked to these kids," she says of the police in the Lee case. The humiliation Jada and Dezerea likely felt from being undressed may set the police up for a different sort of exposure -- a civil suit. "Some attorney should get involved who can file a claim for [Jada and Dezerea], for unreasonable search and seizure," Wilson says.

Neither family has retained private counsel. Carlos Sledge received six months' probation for his incident; the Lee girls have yet to have their hearing.

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