



CITY OF PITTSBURGH

BUREAU OF POLICE

Office of the Chief

“...accountability, integrity, and respect.”

April 6, 2015

Elizabeth Pittinger, Executive Director
Citizen Police Review Board
816 Fifth Avenue, Suite 400
Pittsburgh, PA 15219

Re: Findings and Recommendations, CPRB Case#208-13

Dear Ms. Pittinger,

I have reviewed the findings and recommendations in the above case. This allegations in the case were subject to a full and impartial investigation by the Office of Municipal Investigations (OMI). The officers were cleared in that investigation of any misconduct. Specifically, the OMI exonerated both officers for allegation related to the use of force, and closed the complaints related to Conduct toward the Public /Conduct Unbecoming as unfounded.

I disagree with the findings of the CPRB related to the legal basis for the police conduct. Officers observe Mr. Scalese acting suspiciously in a high crime area and determined to perform a concensual contact. The officers had reasonable suspicion to conduct a Terry Stop at the point they verbally identified themselves as officers and told him to stop. The officers used reasonable force necessary to detain, and the officers' escalation in force tactics were clearly a result of the resistive actions as described by Mr. Scalese himself.

The OMI cleared the complaints related to the allegation the officers use of profanity and demeaning language toward Mr. Scalese as unfounded based upon the complaint having been filed 180 days after the incident, twice the time limit established for receiving complaints of a non-criminal nature. As a result, there is no finding of fact to determine whether or not these words were actually uttered. I concur with the CPRB that, if the officers in fact used this language, it would violate either Conduct Unbecoming or Conduct toward the Public. I disagree with using both policies to punish one behavior. Although I see the CPRB had two witnesses present, I do not see evidence they corroborated this allegation.

As we have no basis now to determine whether or not this disparaging language occurred. Punishment would be inappropriate. However, as this unprofessional language would be unacceptable, I am directing that both officers be reminded of our Core Values and our policies relative to Conduct toward the Public as a cautionary measure.

Please do not hesitate to contact me if you have questions or concerns.

Respectfully,



Cameron S. McLay,
Chief of Police

Cc: Assistant Chief Maurita Bryant, Investigations
Commander Linda Barone, Narc/Vice