

DNC  
Appearance  
Chief  
McLay

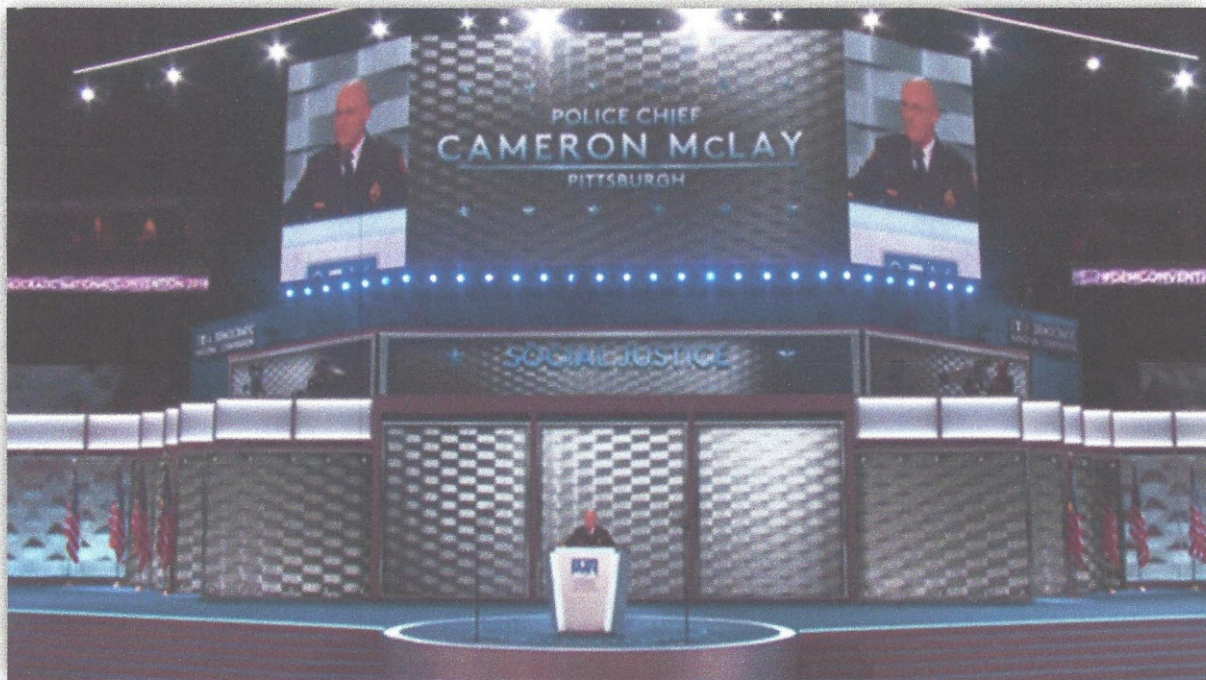
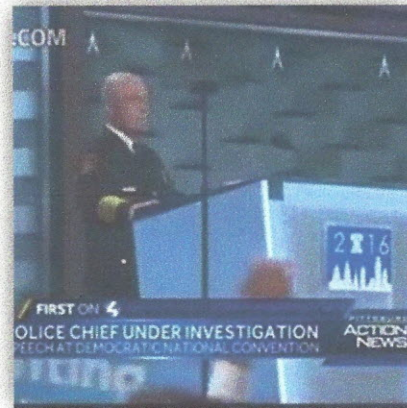
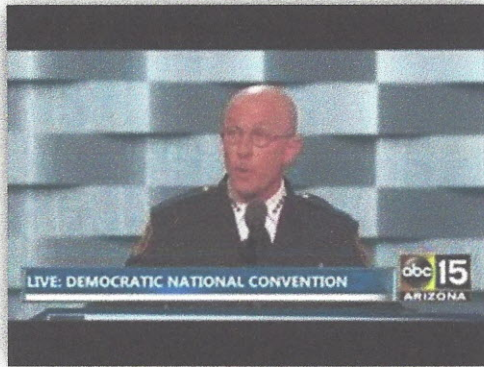
July 26

2016

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Contains copies of final reports prepared by the  
Independent Citizen Police Review Board (8/17/16) and  
the Office of Municipal Investigations (8/25/16).

Reference  
Copies





AUG 03 2016

**CITY OF PITTSBURGH  
BUREAU OF POLICE**

**Office of the Chief**

*"Honor, Integrity, Courage, Respect, Compassion"*

August 1, 2016

Elizabeth Pittinger, Director  
Citizens Police Review Board  
816 Fifth Avenue  
Pittsburgh, PA 15219

SUBJECT: Democratic National Convention

Dear Director Pittinger,

In your public statements regarding my appearance at the Democratic National Convention, you stated an opinion that I was in violation of the City Code for my appearance at this event, with particular emphasis of my being in uniform.

While I interpreted the code differently, I strongly believe I must be accountable to all relevant laws and City policies. In order to ensure the integrity of my accountability systems are not compromised by member perceptions that the rules are not being evenly applied, I am requesting that the Independent Citizen Police Review Board conduct an investigation into my conduct relative to the Democratic National Convention.

I will share with you the contact information for all of my points of contact throughout this event to ensure you have opportunity for a thorough review. I will ask your findings be presented directly to the Director of Public Safety, and gladly accept the outcome of this investigation.

Respectfully,

A handwritten signature in black ink, appearing to read "C. McLay".

Cameron S. McLay, Chief of Police  
Pittsburgh Department of Public Safety  
Bureau of Police

cc: Director Wendell Hissrich, Dept. Public Safety  
Mayor William Peduto  
Kevin Acklin





## Independent CITIZEN POLICE REVIEW BOARD

City of Pittsburgh  
816 Fifth Avenue, Suite 400  
Pittsburgh PA 15219

August 17, 2016

Cameron S. McLay  
Chief, Bureau of Police  
1203 Western Ave  
Pittsburgh, PA 15233

Dear Chief McLay,

By letter dated August 1, 2016 you highlighted my contribution to the controversy arising from your appearance at the Democratic National Convention on July 26, 2016.

I did indeed express my surprise publicly that you addressed the gathered delegates in full dress uniform as the Chief of the Pittsburgh Bureau of Police. I also opined that the activity probably violated the City Code *but* I believed the greater good was served.

Recognizing the "but" as a fulcrum upon which controversy and suspicion could breed, you asked that we investigate your conduct relative to the DNC. Accordingly, I analyzed the requirements placed upon us as city employees.

Enclosed is a copy of my report and I have provided a copy to Director Hissrich as requested.

Please feel free to reply with questions or comments.

Thank you for your earnest approach to this matter of common concern and immediate provision of relevant material.

Sincerely,

Elizabeth C. Pittinger  
Executive Director  
Independent Citizen Police Review Board

Enclosure

**Members of the Board:**

Dr. Emma Lucas-Darby  
Chair

Mr. Thomas C. Waters  
Vice Chair

Mr. Elwin Green

Dr. Mary Jo Guercio

Ms. Karen McLellan

Sr. Patrice Hughes, SC

Mr. Sheldon Williams

**Solicitors:**

Ms. Elizabeth F. Collura, Esq.

Ms. Amanda MacDonald, Esq.

**Executive Director:**

Ms. Elizabeth C. Pittinger

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## Independent CITIZEN POLICE REVIEW BOARD

City of Pittsburgh  
816 Fifth Avenue, Suite 400  
Pittsburgh PA 15219  
USA

August 17, 2016

Wendell D. Hissrich  
Public Safety Director  
City of Pittsburgh  
400 City County Building  
414 Grant Street  
Pittsburgh PA 15219

**Members of the Board:**

Dr. Emma Lucas-Darby  
Chair

Mr. Thomas C. Waters  
Vice Chair

Mr. Elwin Green

Dr. Mary Jo Guercio

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cprbpgh.org

Re: Review of Chief McLay's appearance at the Democratic National convention

Dear Director Hissrich,

Enclosed is my report on the implications of Chief McLay's appearance on July 26, 2016 at the Democratic National Convention.

I have provided a copy to the Chief in reply to his letter dated August 1, 2016.

Please do not hesitate to contact me with questions or comments regarding this report.

Sincerely,

Elizabeth C. Pittinger  
Executive Director  
Independent Citizen Police Review Board

Cc with attachment: The Honorable Bill Peduto, Mayor  
Mr. Kevin Acklin, Chief of Staff to the Mayor

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*Implications of Chief McLay's Presence*

*Democratic National Convention*

*July 26, 2016*

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*Prepared by: Elizabeth C. Pittinger  
Executive Director  
Independent Citizen Police Review Board  
Released: August 17, 2016*

## Background:

Venue: The 2016 Democratic National Convention (DNC), Wells Fargo Convention Center, Philadelphia PA, July 25 – 28, 2016. The convention is a partisan gathering of elected delegates for the purposes of nominating a Democratic candidate for the office of President and Vice President and to adopt the official Democratic Party platform.

Upon invitation of the Democratic National Committee, Chief Cameron S. McLay addressed the delegates as Chief of the Bureau of Pittsburgh Police and appeared in full dress uniform on July 26, 2016 during a nationally televised segment of the DNC.

Chief McLay's travel and accommodations were provided by the DNC at a cost of approximately \$986.00.

Prepared remarks delivered by Chief McLay were drafted by him and proof-read by a person known to be policy advisor with the Hillary Clinton campaign.

By letter to Pittinger dated August 1, 2016, Chief McLay requested that his conduct related to the DNC be reviewed.

## Issue:

Whether the appearance of Cameron S. McLay at the DNC, as Chief of the Pittsburgh Bureau of Police, and in full dress uniform, was prohibited political activity for a city employee.

## References:

Home Rule Charter § 705

City Code, §195.02 Prohibitions of Police Officers from Campaigning in Certain Circumstances

City Code, Chapter 197, Code of Conduct

Hatch Act, 5 U.S.C. §§1501-1508

## Home Rule Charter § 705. - POLITICAL ACTIVITY OF EMPLOYEES - GIFTS.

*Employees of the City are prohibited from engaging in political activity during working hours and at all times in city offices.* City employees may not hold an elected public office wherein they would receive an annual salary, unless a leave of absence is taken without pay. Certain described classes of city employees and officers may be required, by ordinance, to take a leave of absence without pay while a candidate for elected public office. City employees shall not be permitted to accept any gift or thing of value in connection with their employment other than their salary, nor be compelled to contribute to any fund other than that required by law. No solicitation shall be made of a city employee for any purpose during working hours. Nothing contained in this section shall affect the right of city employees to support a political party, to vote as they choose, to



hold party office or to express publicly and privately their opinions on political subjects and to attend political meetings.

**The City Code, §195.02 Prohibitions of Police Officers from Campaigning in Certain Circumstances, states:**

"No officer or employee of the department of Police shall campaign for a candidate for any office or for a ballot issue while on duty, while wearing a uniform or while on City property. Nor may he/she identify himself/herself as an employee of the department of Police."

**§ 195.03 - DEFINITIONS.**

As used in this Chapter, certain terms are defined as follows:

(a) **HOLDING ANY OFFICE IN A POLITICAL PARTY.** Membership in a ward, city, county or State committee of any political party, holding any office of committees or any political party.

(b) **PUBLIC OFFICE.** Any office which is filled by the vote of the electorate.

(c) **CANDIDATE FOR ANY OFFICE and BALLOT ISSUE.** Any name or question that appears on any ballot that is used in any scheduled public election.

(Ord. 22-1982, eff. 5-24-82)

**§197.02 - Definitions**

(c): "Any individual employed by the City of Pittsburgh in any capacity. A City employee may or may not also be a public employee as that term is defined in the State Statute."

**Discussion:**

The City Code does not define "political activity".

Section 705 of the Charter prohibits political activity during working hours and at all times in city offices.

Chapter 197 of the City Code, Code of Conduct, applies to all city employees.

The Chief of Police is a city employee as defined at §197.02(c).

Accordingly, §705 of the Charter and Chapter 197, "Code of Conduct" apply. The Chief's status as a Pittsburgh police officer extends the requirements and protections of Chapter 195.

It appears that §195.02 of the City Code intends to limit the use of a police officer's influence as a safeguard to prevent coercion, retaliation or influence on the outcome of an election for any person or question that appears on any ballot that is used in any scheduled election.

Chief McLay did not overtly endorse a candidate nor did he express support of a particular platform position. However, following the official nomination of Democratic candidates for Vice President and President of the United States, the Chief did appear in full uniform as an employee of the City of Pittsburgh and address the delegates during a nationally televised segment of the Democratic National Convention. His speech was proof-read by a representative of the Democratic presidential nominee's campaign and his travel and accommodations were provided by the DNC.

These facts describe partisan political activity intended to influence the outcome of a Presidential election. The substance of Chief McLay's remarks was apolitical and promoted reconciliation and improved community police relations. Nonetheless, the host event was a purely partisan gathering of elected Democratic delegates for the purpose of nominating Democratic candidates and influencing the outcome of the impending election of Vice President and President of the United States.

Chief McLay engaged in partisan political activity in his official capacity as Chief of Police and in full dress uniform representing the Pittsburgh Bureau of Police. His presence as Chief of Police can only be construed as work time. This violates §705 of the Charter, §195.02 Prohibitions of Police Officers from Campaigning in Certain Circumstances and the City Code of Conduct.

Amendments to Chapter 197 in October 2015 added among other revisions, § 197.20 – Miscellaneous. In pertinent part, § 197.20(b)<sup>1</sup> states:

(b) Any law of any sort - local, state, or federal - that requires a higher, greater, more exacting, or more restrictive standard of conduct than is provided in this Code prevails over the provisions of this Code and continues in full force and effect with respect to those covered by this Code.

This provision directs us to the governing standard for local employees involved in any activity involving federal funds.

### **Federal restrictions: The Hatch Act**

The Pittsburgh Bureau of Police receives federal grant money through the US Department of Justice, Community Oriented Policing Services Hiring Program and recently received a grant through the Bureau of Justice Assistance for the purchase of body-worn cameras for police officers. This association to federal funds imposes compliance to the terms and conditions of the Hatch Act, 5 U.S.C. §§1501-1508. The Hatch Act applies to federal, state and local employees, who directly or indirectly are paid by, manage or control the expenditure of federal funds. The Hatch Act supersedes all local and state laws, regulations and rules.

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<sup>1</sup> (Ord. No. 37-2015, § 9, eff. 10-28-15)



**POLITICAL ACTIVITY OF CERTAIN STATE AND LOCAL EMPLOYEES**

**Definitions 5 U.S.C. 1501:**

- a) "State" means a State or territory or possession of the United States;
- b) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;
- c) "Federal agency" means an executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;
- d) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States of a Federal agency but does not include:
  - 1) An individual who exercises no functions in connection with that activity;
  - 2) An individual employed by an educational or research institution, establishment, agency or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.
- e) "Political party" means a National political party, a State political party, and an affiliated organization;
- f) "Election" includes a primary, special, and general election.
- g) "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party and of whose candidates for Presidential electors received votes in the last preceding election at which Presidential electors were selected.
- h) "Partisan" when used as an adjective means related to a political party.
- i) "Partisan political office" means any office for which any candidate is nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential elections were selected, but does not include any office or position within a political party or affiliated organization.
- j) "Elective office means any office which is voted upon at an election as defined in above, but does not include political party office.



Influencing elections; taking part in political campaigns; prohibitions; exceptions.

5 U.S.C. 1502:

(a) A State or local officer or employee may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a Federal agency, be a candidate for elective office.

(b) A State or local officer or employee retains the right to vote as he chooses and to express his opinions on political subjects and candidates.

(c) Subsection (a)(3) of this section does not apply to—

(1) the Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(2) the mayor of a city;

(3) a duly elected head of an executive department of a State, municipality, or the District of Columbia who is not classified under a State, municipal, or the District of Columbia merit or civil-service system; or

(4) an individual holding elective office.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 404; Pub. L. 93–443, title IV, §401(a), Oct. 15, 1974, 88 Stat. 1290; Pub. L. 112–230, §§2, 3(c), Dec. 28, 2012, 126 Stat. 1616.)

### Discussion:

Under the definitions and prohibitions of the Hatch Act, the Chief of Police is a local employee prohibited from using his authority or influence to affect the results of an election or nomination for office. The Chief is not permitted to “directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes” (5 USC §1502(a)(2)).

Chief McLay's appearance in full dress uniform as the Chief of the Pittsburgh Bureau of Police at the Democratic National Convention comprised of elected delegates of a national political party, convened for the purpose of nominating partisan candidates for the offices of Vice President and President of the United States, appears to be participation in improper political activity under the terms of the Hatch Act.

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This review is compiled by CPRB Executive Director and submitted to the Public Safety Director to assist with his timely consideration of the matter.

The next regularly scheduled meeting of the Independent Citizen Police Review Board is Tuesday, September 27, 2016 in City Council Chambers.

The CPRB will receive this report at their September meeting. If at that time the Members deem further action is appropriate, the principal parties will be notified.

Questions and comments should be directed to Elizabeth C. Pittinger, Executive Director, Independent Citizen Police Review Board, 412-765-8023, Beth.Pittinger@pittsburgh.pa.gov.

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*Elizabeth C. Pittinger*  
8/17/16

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**OFFICE OF MUNICIPAL  
INVESTIGATIONS**

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**Final Report  
OMI-16-135**

**CONFIDENTIAL**

**Deborah Walker  
Director**



**CITY OF PITTSBURGH  
OFFICE OF MUNICIPAL INVESTIGATIONS**

**FINAL REPORT**

<b>Case Number:</b>	OMI-16-135	<b>Complainant:</b>	Cameron McLay
<b>Accused Officer(s):</b>	4436 CAMERON MCLAY	<b>Duty Location(s):</b>	Chief of Police - HQ
<b>Date of Complaint:</b>	7/30/2016	<b>Date of Incident:</b>	7/26/2016 8:00:00 PM
<b>CCR#:</b>	N/A	<b>Incident Location:</b>	Democratic National Convention, Philadelphia, PA

**SUMMARY OF COMPLAINANT'S INTAKE STATEMENT:**

On Tuesday, July 26, 2016, Chief Cameron McLay delivered a speech at the Democratic National Convention. The topic of the speech was community/police relations and he was wearing his dress uniform at the time. After delivering that speech, the FOP Union announced publicly that Chief McLay violated the City Code provision related to campaigning while in uniform. OMI received both anonymous complaints as well as Chief McLay's own request to investigate his actions.

**COMPLAINANT'S ALLEGATIONS:**

Accused Officer: CAMERON MCLAY

City Code Article XI - Personnel, Chapter 195 Political or Public Office

Chief requests an investigation into whether he violated the City Code by speaking, in uniform, at the Democratic National Convention.

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**§ 195.02 - PROHIBITIONS OF POLICE OFFICERS FROM CAMPAIGNING IN CERTAIN CIRCUMSTANCES.**

*No officer or employee of the Department of Police shall campaign for a candidate for any office or for a ballot issue while on duty, while wearing a uniform or while on City property. Nor may he/she identify himself/herself as an employee of the Department of Police.*

The related provisions of the **Pittsburgh Police Bureau Manual of Procedural Orders** are:

**PBP General Order 16-1-3.42.1 Standards of Conduct, Participation in Radio – Television – Public Programs**, Members or employees shall not, while on duty, participate in scheduled radio, television or other public programs as a representative of or using the official uniform of the Pittsburgh Bureau of Police without the permission of the Chief of Police. This shall not apply to interviews or statements given to the media regarding crime scenes, etc.

**PBP General Order 16-1-3.48.1 Standards of Conduct, Gratuities – Awards – Rewards – Ticket Sale – Soliciting Contributions – Disposition of Property**, No member of the Bureau of Police shall collect or attempt to collect gratuities in any form whatsoever for the performance or non-performance of his/her sworn duty. Salary, awards and rewards as permitted by law are an exception to this section.



**PBP General Order 16-1-3.51.2, Standards of Conduct, Political Matters,** Members of the Bureau of Police shall not jeopardize the impartial position of the Bureau in political matters by championing the cause of or campaigning for any political party or candidate by representing themselves as member of the Bureau of Police, whether on or off duty or while in uniform.

#### **ACCUSED OFFICER RESPONSE(S):**

**Pittsburgh Police Chief Cameron McLay** stated that on Monday, July 25<sup>th</sup>, he was contacted by Ms. Elizabeth Fishback from Senator Bob Casey's Office. Later during the interview, Chief McLay stated that he previously knew Ms. Fishback and her relationship to the Senator's Office; however, during their conversation "out of full disclosure," Ms. Fishback did relay that she was separated from the Senator's Office and was currently working for the Hillary Clinton campaign.

Chief McLay stated that during this conversation, Ms. Fishback invited him to speak at the DNC. When Chief McLay asked what the purpose of the speech would be, he stated that he stressed the importance of keeping his perspective of police/community relations and police reform if he indeed agreed to speak. Chief McLay stated that his understanding was that he was speaking as a member of the law enforcement community. Chief McLay stated that he advised Ms. Fishback that he could not "actively support" any particular candidate, as at that time the Democratic Party nomination was still being contested (although he admits that it "looked like it would be Hillary Clinton"). Chief McLay stated that he initially said yes because he believes "there's a narrative missing nationally right now, I think, that people are too far to the community-side critical of police...I think people in law enforcement, we tend to be retreating into 'bunker mode' and we're too far...we're too defensive and the place we all need to be is in the middle." Chief McLay stated that his purpose in accepting the invitation was to "enrich the national discussion on the issue of community/police relations."

Chief McLay stated that later that day, he received a text message from Kevin Acklin (he was not sure if Mayor Peduto had been copied on it), asking if he had been contacted by Ms. Fishback. Chief McLay answered that Mr. Acklin indicated that this was a "good thing." Chief McLay stated that the invitation came immediately before a meeting with his Assistant Chiefs. Chief McLay told them about it and explained why he had agreed to do so. Chief McLay indicated to them that he was aware that certain members may perceive this as being a political move, but that his main objective was to "aim the ball right down the middle" as far as the need for police and the community to come together. He also noted that in the local media he has been "monumentally unsuccessful" in getting the conventional media to report the good things that the Pittsburgh Police are doing as those remarks often end up on the "cutting room floor." He believed that this was a stage where he could "brag about the good things we're doing here in Pittsburgh in a context where no one can shut me up." Chief McLay asked his Assistant Chiefs to pass that message along to their subordinates. He did not receive any "push back" or any concerns regarding his intentions. Their reaction seemed to be that this was "quite an honor." Chief McLay also had a meeting with Public Safety Director Wendell Hissrich on Monday on an unrelated issue, but advised Director Hissrich of the invitation from Ms. Fishback. Chief McLay stated that Director Hissrich referred to the invitation as "an honor."

Chief McLay stated that he began making preliminary plans while waiting to hear back from Ms. Fishback regarding his "rules of engagement" and that he would not be able to endorse a candidate. Ms. Fishback contacted him around 6pm and asked if he had heard from the campaign. Chief McLay indicated that he had not, but shortly thereafter received an official invitation from the campaign and information related to travel, his speech handler, etc. (It should be noted here that the actual invitation came from the Democratic National



Convention Committee.) Chief McLay went on to provide many details related to a "flurry of emails" related to logistics.

Chief McLay indicated that there were reference to speech writers "to help" but that there was no discussion related "to content." Chief McLay stated, "There was no hint, on the front end, that it was going to be anything other than what I write."

The next day, Chief McLay flew to Philadelphia and upon his arrival he submitted a draft of his speech. Chief McLay was notified that he had a 480 word limit when his initial speech was over 1000 words. At this point, he received his initial contact from one of the speech writers (who are a third party entity, hired by the campaign). Chief McLay submitted a draft of his speech to them and when he received their edits, "it almost made my head explode." Chief McLay immediately responded with, "I don't even recognize myself in this." Chief McLay stated that they "completely changed the words," overtly indicated his support of Hillary, talked about "cops being outgunned on the streets," etc. Chief McLay stated that this was "a completely different agenda of 'talking points' coming from a Candidate, not from me." Chief McLay stated that he told the speech writers that his speech was either "my words or I'm walking." Chief McLay stated that during this time, he was updating Kevin Acklin by phone and/or text of the pressures to endorse Hillary Clinton and that Mr. Acklin expressed his support if Chief McLay needed to refuse to give his speech. These concerns were related to Ms. Fishback as well.

Chief McLay stated that he was then contacted by "Corey" from the campaign, who indicated to him that this was not supposed to happen and that he would contact the speech writers to try and intervene. Chief McLay stated that at approximately 3pm, his speech handler, Meika, was scheduled to pick him up at his hotel and transport him to the Convention site. When Meika arrived, Chief McLay initially refused to get into the vehicle because the issues surrounding his speech had not yet been resolved. Corey advised Chief McLay to "take another stab" at his own speech and said that he would "work it through the system." Chief McLay sent yet another draft and Corey advised that this "preliminarily looks good." Again, Chief McLay was told that they needed to "retool" his speech. When Chief McLay asked for clarification, he was told that they would be doing a "full rewrite." Chief McLay stated that at this point, "I am angry" and had threatened to have Meika return him to the hotel. Chief McLay stated that they arrive at the site and he was being prepped as though he was still going to be speaking; however, at this point, Chief McLay still did not have a speech.

At approximately 5pm, Chief McLay met with Corey and was presented with a final draft. Chief McLay liked this draft as it reflected his intentions but he continued to make a few minor word changes. By about 6:30pm, Chief McLay had a final speech. After practicing this speech, Chief McLay was approached by his handler and asked if he would be willing to do press interviews. Again, Chief McLay asked what the purpose was - to address this specific issue or something beyond. At that point, it was decided that they would skip the press interviews and that Chief McLay would leave the facility immediately upon delivering his remarks as they could not promise where the questions would lead.

Chief McLay stated that he had numerous invitations to stay, but he made a "beeline" for the law enforcement Command Post and the Philadelphia Police Department transported him from the facility. By this point, Hillary Clinton had been officially named as the Democratic Candidate so this had turned purely into a political event. Chief McLay said, "My effort was to get in, say the one thing I had to say about police/community relations, dodge any attempts to do anything that could be used a campaign-sanctioning type of tool and got myself out of there."



Chief McLay admits that there were no "front end" discussions with the Law Department as he felt he knew "where the ethical boundaries were." Looking back, he may have consulted with the Law Department, although Kevin Acklin is an attorney and during his conversations with Ms. Acklin "no alarms were going off." Chief McLay's understanding of the Code of Ethics for his profession is the need for neutrality. Chief McLay believes that he was successful in staying neutral by staying "really true to the issue." Chief McLay's interpretation was that "the presence at an event, like the DNC, which although a political campaign...me presenting issues relevant to policing and police/community relations and police reform...in that context, for me, was no different than me attending a sponsored event at a church...I'm not delivering a sermon. I'm simply talking about police/community relations...and so for me, I felt, as long as I was staying true to the objective and talking about the issues rather than talking about the Candidate or the Party or the platform then my speech was what it was and my belief was it was on solid ethical ground as long as I wasn't campaigning. I wasn't soliciting and I was staying very narrowly focused on the issues." Chief McLay states that was why he pushed back so hard on the initial draft where gun control was added to his message by the speech writers.

In addressing the attire issue, Chief McLay said, "I would have been way more comfortable in a suit." He wanted to wear a suit. Ms. Fishback explained that the reason he was asked to speak in the first place was to represent law enforcement, which to Chief McLay "suggests the need for a uniform anyway." Meike went on to say that Chief McLay was there to represent Pennsylvania law enforcement specifically. Chief McLay explained that his main motivation for wearing a uniform as opposed to a suit "was the fact that I was going there, with pride, to tell the story of Pittsburgh and Pittsburgh Police and I felt that it would be a dishonor, to them, to not proudly display their uniform on this national platform. It's a long tradition in law enforcement that when invited to the White House you go in uniform, ok, because you are representing your profession and you're representing your agency. And so, quite honestly, I was wearing it because I thought my membership would like it because there they are, proudly displayed, and so that was the major motivation."

Chief McLay stated that he even exchanged texts with a member of the Command Staff on the morning of the speech, wishing him well. That person asked if he was going to wear the uniform. When he responded in the affirmative, that person responded, "Better yet...good luck." Chief McLay said that his thought process was to represent "them" (meaning the membership of the Pittsburgh Police) but he said, "At the end of the day if that turns to be a critical factor that makes my presence there campaigning, then I'll stipulate I had made a mistake...the road to hell's paved with them, right?"

In closing, Chief McLay stated, "The main thing was the need to push this middle of the road narrative because it's not catching much traction and the need to push the positive accomplishments of Pittsburgh - this community and Pittsburgh Police is good work we've done together - was the motivation, so again, to the extent to which there is an intent element in campaigning, you know it's certainly - you can find it in the investigations of crimes in most of them there is an intent, so at the end of the day if intent is an issue - is relevant...the facts will speak for themselves and there's no campaigning going on here. If it turns out there's a bright line that I accidentally strayed across - it is what it is."

#### WITNESS STATEMENT(S):

##### Complainant's Witness Statements

None.



### Witness Statements

**Chief of Staff Kevin Acklin** stated that he was contacted directly by Ms. Elizabeth Fishback on the morning of July 25<sup>th</sup> stating that on Tuesday on the DNC, they wanted to highlight the topic of community policing happening across the country and that they had identified Chief McLay as someone who was leading these issues on a daily basis and that it was one of the reasons why the National Initiative came to Pittsburgh. In that regard, Ms. Fishback asked if it would be possible for Chief McLay to deliver a speech on this issue at the DNC the following day.

Chief Acklin immediately notified the Mayor directly and asked for his thoughts. Mayor Peduto responded that he should gauge Chief McLay's comfort level as well as relay to Chief McLay that this could have nothing to do with politics, the campaign or any Candidate. Chief Acklin stated that "in his mind," he thought that their focus on community policing meant that there would be several members of law enforcement being invited to talk about the issue. Chief Acklin then called Chief McLay and advised him to speak directly to Ms. Fishback about the limitations that had been set. Chief Acklin stated that after business hours, he contacted Ms. Fishback to see if the plans had been set. At that time, Chief Acklin does not believe an official invitation had been extended yet.

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Chief Acklin stated that on Tuesday he received word that Chief McLay was on the ground in Philadelphia and being prepped for rehearsals, etc. Numerous texts were made, with one from the Mayor to Chief McLay reading, "Speak from your heart, you have been given an opportunity to heal a nation...there's no one better suited to deliver that message than you." Around noon, Chief McLay notified Chief Acklin that there were some concerns because the people from the campaign wanted Chief McLay to make some kind of a statement about Hillary Clinton. Chief Acklin relayed to Chief McLay that was "a no-brainer...a non-starter" and immediately called Ms. Fishback to tell her that it "not remotely possible" for Chief McLay to endorse Hillary Clinton or otherwise make any political statements. Chief Acklin stated that he cautioned Ms. Fishback that if the campaign's intent was to engage in a "bait and switch" then Chief McLay would be unable to appear.

Around 5pm, Chief Acklin heard from Chief McLay again via text message, "Just so you are aware, there continues to be a dispute over content. It may necessitate that I withdraw." Mayor Peduto responded that he understood and Chief Acklin asked if there was anything that he could do to help. Chief Acklin called it "ridiculous." In one of his conversations with Ms. Fishback she asked if Chief McLay would be willing to thank Hillary Clinton for the opportunity to speak. Chief Acklin again relayed to Ms. Fishback that Chief McLay could not mention any Candidate at all during his remarks. Within the hour, Chief McLay notified both Mayor Peduto and Chief Acklin that the issues were resolved. Chief Acklin stated that neither he nor the Mayor pressured Chief McLay and that Chief McLay "exerted a very clear sense of what his mission was - to elevate and discuss the good work being done here in Pittsburgh on a national stage."

In Chief Acklin's opinion, Chief McLay did not violate the City Code. Chief Acklin had worked on possible reforms to related sections of the City Code and it is his understanding that the phrasing refers to "campaigning." Chief Acklin attests that Chief McLay did not appear at this venue with the intent to advance any particular Candidate. Chief Acklin points to Chief McLay's speech, demeanor and aggressive negotiations with the campaign leading up to the speech when they attempted to pressure him into endorsing Hillary Clinton as evidence that Chief McLay did not engage in campaigning. Chief Acklin stated that Chief McLay's message was about the good things happening in Pittsburgh and the response after that speech was "overwhelming." Chief Acklin said, "...seeing a Police Chief on a national stage from your City, um, when you look at the community, the response from the community was fantastic. The message that he had, not only to the community in our City, but nationally, also to the officers that this is what our responsibility is was the sole



purpose of the speech...it had nothing to do with campaigning for a Candidate. It was not the intent or the content of his messaging..." Chief McLay even asked when the RNC was (which incidentally was 2 week prior) as he wished he could speak there.

Chief Acklin indicated that he spoke with Solicitor Lourdes Sanchez-Ridge on Tuesday morning related to the speech as that information had become public. Chief Acklin told Solicitor Sanchez-Ridge about the directives given to Chief McLay and the parameters in which he could speak. There was never any discussion about his attire. Chief Acklin said, "I didn't even think of it." When asked about Chief McLay's mere presence at the DNC as campaigning, Chief Acklin responded, "I don't think that's true. I think you have, my view is that, if you look at...I don't think anyone walked away from that speech sort of knowing where the Chief is. I think he would have given that speech at the Republican Convention - I think it transcends politics...This was a philosophy of policing that the Chief was asked to talk about." Chief Acklin stated that the mere visibility at a political event is a "slippery slope" that they are not ready to consider as violations of the City Code.

**Ms. Elizabeth Fishback** used to work for Senator Bob Casey's office until separating on July 5, 2016. Ms. Fishback is currently employed by PA Victory 2016 to which Mr. Wilson clarified that she is employed by the PA State Democratic Party and is allowed to work closely with presidential campaigns.

Leading up to the DNC, Ms. Fishback was part of a group tasked with locating a Chief Law Enforcement Officer in Pennsylvania. The Democratic National Convention Committee would ultimately decide who would speak at the DNC. Ms. Fishback stated that she suggested Chief McLay as that speaker because of his extensive background in community policing and the headway that he has made in Pittsburgh in strengthening community and police relations.

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Ms. Fishback stated that once Chief McLay arrived in Philadelphia, they discussed the content of his speech as he had directives from Mayor Peduto's Office not to endorse any Candidate. There was no discussion as to his attire or dress for the speech. Ms. Fishback stated that they spoke on the Tuesday of the Convention when Chief McLay raised concerns that during the editing process he needed to reiterate to the speech writers that he could not endorse a particular Candidate. Ms. Fishback stated that she told Chief McLay that she would "circle back with my own chain of command to make sure that the speech writing team was made aware, in case it had not been communicated, that Chief McLay accepted the invitation with the understanding that he would not have to endorse any particular political candidate. She then wished Chief McLay good luck and did not speak with him again.

When asked, Ms. Fishback could not provide any additional information as to why Chief McLay's name did not appear as a speaker on the DNC website but noticed that it did not appear.

#### **PHYSICAL EVIDENCE:**

Other - Memo to Director Walker from Chief McLay asking for an investigation.

Other - City Code #195.01-02

Other - Document from OMB - Travel/Training Request for Chief McLay to attend Democratic National Convention.



Other – Travel/Training Requests from Chief McLay to attend conventions as a speaker where expenses are reimbursed.

Other – List of speakers from the Democratic National Convention website for Tuesday, July 26, 2016. Chief McLay's name does not appear.

Other – Document from OMB – Travel/Training Requests for Debra Lam, Sylvia Harris and Laura Meixell, all from the Department of Innovation & Performance to attend conferences as a guest speaker. Expenses were paid for by the host agency.

### **CREDIBILITY ASSESSMENTS:**

Chief McLay does not have any prior OMI complaints filed against him, but has been criticized by the FOP Union publicly in the past.

### **ALLEGATION, FACTUAL ANALYSIS & DISPOSITION:**

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The single allegation in this complaint is whether Chief Cameron McLay violated the Pittsburgh City Code (Article XI - Personnel, Chapter 195 Political or Public Office, Section 195.02 Prohibitions of Police Officer from Campaigning in Certain Circumstances) when he delivered a speech, in uniform, at the Democratic National Convention on July 26, 2016. The language of that provision reads, "No officer or employee of the Department of Police shall campaign for a candidate for any office or for a ballot issue while on duty, while wearing a uniform or while on City property. Nor may he/she identify himself/herself as an employee of the Department of Police."

There are multiple provisions of the Pittsburgh Bureau of Police Manual of Procedural Orders 16-1, Standards of Conduct specifically related to this allegation, including **Participation in Radio – Television – Public Programs, Gratuities – Awards – Rewards – Ticket Sale – Soliciting Contributions – Disposition of Property and Political Matters**. Whereas the key facts related to these specific provisions are nearly identical, they will be analyzed together. If any of these Standards of Conduct is found to have been violated, then the City Code violation will be sustained against Chief McLay.

#### **Participation in Radio – Television – Public Programs, Gratuities**

Before addressing the most significant allegation, there is the provision related to solely to Chief McLay appearing on television while on duty and in uniform (PBP General Order 16-1-6.42.1). That provision requires the permission of the Chief of Police. Whereas, Chief McLay cannot grant permission to himself, he did receive the blessing from the Mayor's Office to accept this invitation.

#### **Gratuities – Awards – Rewards – Ticket Sale – Soliciting Contributions – Disposition of Property**

There was also concern as to whether Chief McLay accepted a "gratuity" when the Democratic National Convention Committee paid his expenses to deliver this speech. This case file contains a Travel/Training Request from Chief McLay to the Office of Management and Budget asking for permission to attend this event. Other departments have allowed employees to travel outside of the City to speak at conferences and the host agencies have paid the expenses of those employees as well. During the course of this investigation, OMB provided paperwork from 3 such requests from the Department of Innovation and Performance. This office acknowledges that I&P does not have a policy manual as detailed as the Bureau of Police, but it's evidence to corroborate that host agencies have routinely paid for or reimbursed the City where City of



Pittsburgh employees have been asked to speak at events. Chief McLay also turned over additional Travel/Training Requests to attend or speak at other events (i.e., the Science for Justice Conference and the National LEAD Gathering, which is the Law Enforcement Assisted Diversion); those appearances have not been subjected to this same level of scrutiny.

### Political Matters

The central issue in this provision is the act of campaigning. To campaign for a candidate is the equivalent of a "political campaign." Webster's Dictionary defines a political campaign as "a race between candidates for elective office" and defines campaign as "political operations preceding an election, by candidates, their assistants, and supports, *for the purpose of convincing voters to vote for the candidate*. It usually consists of one or more methods of contacting voters including advertising, distribution or mailing of printed leaflets or letters; speeches, interviews with news media, and door-to-door visits with potential voters." In a message from Reverend Leah D. Daughtry, CEO of the Democratic National Convention, the stated purpose of the DNC is, "the formal nominating event for the Democratic candidates for President and Vice President. Webster's Dictionary defines nominate as "to name, or designate by name, for an office or place." This mission statement does not mention the word campaign, as it appears as though all campaigning is done prior to the DNC, at which time, one Candidate is then appointed to move on after the DNC to then campaign for the Office of the President of the United States.

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Ms. Elizabeth Fishback, a former staffer for PA Senator Casey's office who now works for PA Victory 2016 (which is allowed to work closely with a Presidential campaign), states that the DNC Committee wanted to invite a Chief Law Enforcement Officer to the Convention. Ms. Fishback stated that she suggested that Chief McLay be that speaker since the Convention was being held in Pennsylvania and she was familiar with the improvements that he had made in community-police relations. On Monday, July 25<sup>th</sup>, 2016, Ms. Fishback and Chief McLay discussed what the content of these remarks would be, and Chief McLay stated that he "stressed the importance of keeping his perspective of police/community relations and police reform if he indeed agreed to speak." Chief McLay stated that he also advised Ms. Fishback that he could not "actively support" any particular candidate. Chief McLay stated that the Democratic Party nomination was still being contested, although he admits that it "looked like it would be Hillary Clinton." Chief McLay agreed to give this speech because, "there's a narrative missing nationally right now...we're too defensive and the place we all need to be is in the middle." His statement was to "enrich the national discussion on police/community relations."

Chief McLay stated that he mentioned the invitation during a meeting with his Assistant Chiefs and explained why he agreed to deliver the speech. Chief McLay stated that he was aware that some of his membership may perceive this as a political move, but that his main objective was to "aim the ball right down the middle." Chief McLay criticized the local media, saying that they had been "monumentally unsuccessful" reporting the good things that the Pittsburgh Police were doing. Chief McLay believed that the DNC was a stage where he could "brag about the good things we are doing in Pittsburgh in a context where no one can shut me up." In the meantime, Chief McLay discussed the offer with Mayor William Peduto, Mayor Peduto's Chief of Staff Kevin Acklin, Public Safety Director Wendell Hissrich as well as member of the Command Staff. Ultimately Chief McLay had the Mayor's approval.

Chief of Staff Kevin Acklin stated that he was also contacted by Ms. Fishback and, after conferring with Mayor Peduto, talked to Chief McLay about his limitations about campaigning and then advised him to speak directly to Ms. Fishback about accepting the invitation. Chief Acklin states that Ms. Fishback initially explained that the DNC wanted to highlight community policing and that he was under the mistaken



presumption that there would be other members of law enforcement speaking. However, Chief Acklin stated that Chief McLay is recognized as a leader on this topic, which is one of the reasons why the National Initiative came to Pittsburgh in the first.

Early the following morning, Chief McLay travelled to Philadelphia and was scheduled to deliver his remarks sometime later that same night. Once in Philadelphia, Chief McLay was put in touch with a speech writer who advised that there would be a word limit to his speech. Chief McLay submitted a draft, which upon being returned, had received so many edits that Chief McLay said, "It almost made my head explode." Chief McLay communicated back to the speech writers, "I don't even recognize myself in this." Chief McLay said, "They completely changed the words... overtly indicated his support of Hillary, talked about cops being outgunned on the street... etc." Chief McLay described the rewrite as "a completely different agenda of 'talking points' coming from a Candidate and not from me." For most of the day leading up to his address, Chief McLay stated that there were multiple rewrites and attempts by the campaign to try and get Chief McLay to make some kind of statement about Hillary Clinton. As the day wore on, Chief McLay stood clear to the limitations; he refused to get in the vehicle that would transport him to the Convention site, he notified the speech writers that it was "either my words, or I'm walking," he advised Ms. Fishback that he could not mention any Candidate by name and he contacted Mayor Peduto and Chief Acklin via text message to say, "Just so you are aware, there continues to be a dispute over content. It may necessitate that I withdraw." Chief McLay immediately received support from Mayor Peduto and Chief Acklin telling him that they understood. Eventually, Chief McLay notified Mayor Peduto and Chief Acklin that the issues had been resolved and Chief McLay was set to deliver his remarks on Tuesday, July 26<sup>th</sup> at approximately 8:13pm.

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By the time Chief McLay delivered his remarks, Hillary Clinton had been officially named the Democratic Candidate. Chief McLay stated that he "made a beeline" for the law enforcement Command Post and the Philadelphia Police Department transported him away from the facility. Chief McLay said, "My effort was to get in, say the one thing I had to say about police/community relations, dodge any attempts to do anything that could be used as a campaign-sanctioning type of tool and get myself out of there."

During the course of this investigation, this Investigator watched numerous speeches delivered during the DNC. Chief McLay did not mention any Candidate by name, whereas most other speakers did. Chief McLay's name also does not appear as an official speaker on the DNC's website. The amount of effort and fortitude that Chief McLay showed in delivering only his originally intended message and not succumbing to what must have been incredible pressure is evidence that he did not engage in campaigning activity. Chief McLay states, "the presence at an event, like the DNC, which although a political campaign...me presenting issues relevant to policing and police/community relations and police reform...in that context, for me, was no different than me attending a sponsored event at a church...I'm not delivering a sermon, I'm simply talking about the issues rather than talking about the Candidate or the Party or the platform, then my speech was what it was and my belief was it was on solid ethical ground as long as I wasn't campaigning, I wasn't soliciting...I was staying narrowly focused on the issues."

The language of PBP General Order 161-3.51.2 reads, "Members of the Bureau of Police shall not jeopardize the impartial position of the Bureau in political matters by championing the cause of or campaigning for any political party or candidate by representing themselves as member of the Bureau of Police, whether on or off duty or while in uniform." As this office has determined that Chief McLay did not engage in campaigning, Chief McLay did not violate this policy.



Chief McLay answered questions as to why he did chose to wear his uniform. He stated that he would have "been way more comfortable in a suit." However, having been asked to speak as a representative of law enforcement, particularly Pennsylvania law enforcement, Chief McLay said "suggests the need for a uniform." Chief McLay went on to say, "I was going there, with pride, to tell the story of Pittsburgh and Pittsburgh Police and I felt that it would be a dishonor, to them, to not proudly display their uniform on this national platform...it's a long tradition in law enforcement that when invited to the White House you go in uniform. ok, because you are representing your profession and you're representing your agency...and so, quite honestly, I was wearing it because I thought my membership would like it because there they are, proudly displayed, and so that was the major motivation." Chief McLay explained this process, but added, "At the end of the day if that turns to be a critical factor that makes my presence there campaigning, then I'll stipulate I had made a mistake...the road to hell's paved with them, right?"

Without a doubt, Pittsburgh Police Chief Cameron McLay, delivered a televised, public speech at the Democratic National Convention, while in uniform and at the expense of the DNC Committee. He did so with the permission of the Mayor's Office and has had other agencies reimburse his travel expenses for other engagements in the past. This appearance was subjected to additional scrutiny as the event was hosted by the Democratic Convention Committee. The relevant Bureau policy prohibits the wearing of a police uniform when "championing the cause of or campaigning for any political party or candidate." Chief McLay was adamant to the host Committee and their agents that not only could he not campaign for any candidate but that he would not even mention any candidate by name. When under pressure, Chief McLay threatened to withdraw from the event. Chief McLay's statement regarding these events is reasonable and articulate. There also is a time stamped, text message to evidence his intention to withdraw if necessary.

Based on the facts and circumstances outlined above, it is the finding of this office that Pittsburgh Police Chief Cameron McLay did not violate any provision of the Manual of Procedural Orders and therefore did not violate the related provision of the City Code. Therefore, this office shall close this investigation as **UNFOUNDED**.

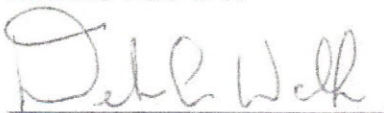
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**SUBMITTED BY:**

  
Erin K. Bruni  
Operations Manager/Investigator

8/25/2016  
Date

**APPROVED BY:**

  
Deborah Walker  
OMI Director

8/25/2016  
Date

## Office of Municipal Investigations Rules Police Chief Appearance at DNC Did Not Violate City Code

After reviewing evidence including interviews, emails and text messages OMI says allegations are unfounded that Chief McLay violated prohibitions against campaigning during his July 29 speech on community-police relations

PITTSBURGH, PA (September 2, 2016) The City of Pittsburgh Office of Municipal Investigations has concluded that Pittsburgh Bureau of Police Chief Cameron McLay did not violate City Code or internal police policies when he spoke about community-police relations at the Democratic National Convention in Philadelphia this July.

Investigators conducted interviews, reviewed emails and text messages, and studied the City Code and the Pittsburgh Police Bureau Manual of Procedural Orders in making their ruling. Their final report – delivered late last week to Mayor William Peduto and Public Safety Director Wendell Hissrich – concluded that allegations Chief McLay violated prohibitions against campaigning while in uniform to be officially "unfounded."

"From the very beginning Chief McLay's appearance to discuss Pittsburgh's community policing initiatives before a television audience of millions of people was conditioned on being apolitical and not mentioning any candidate," Mayor Peduto said. "OMI conducted a completely independent investigation of the matter, and now that they have ruled the allegations against the Chief to be unfounded, he will face no discipline."

Chief McLay and anonymous complainants requested that OMI conduct the investigation after the president of Fraternal Order of Police Lodge #1 alleged the Chief violated language in the City Code stating "No officer or employee of the Department of Police shall campaign for a candidate for any office or for a ballot issue while on duty, while wearing a uniform or while on City property. Nor may he/she identify himself/herself as an employee of the Department of Police."

The internal Bureau Manual of Procedural Orders also forbid police from wearing their uniform while "championing the cause of or campaigning for any political party or candidate."

To avoid confusion in the future regarding these matters the Mayor has asked Public Safety Director Hissrich to consider regulations to clarify adherence to the rules.

OMI investigators interviewed Chief McLay, Mayor William Peduto's Chief of Staff Kevin Acklin and a staffer for the state Democratic Party who invited the Chief to

Publish Date:  
September 2, 2016

Contact:  
Timothy McNulty  
Communications Manager  
cell: 412-660-1999  
City of Pittsburgh



speak at the convention. They also reviewed written communications regarding the speech. The investigation found that:

- Mayor Peduto, Acklin and McLay all insisted from the beginning that the Chief's remarks only be on community policing and not be political in any form.
- Campaign staffers for Democratic candidate Hillary Rodham Clinton repeatedly asked McLay to mention Clinton in his remarks, to which McLay responded by telling them he would be forced to withdraw from speaking. At one point McLay refused to enter a vehicle taking him to the convention floor until the issue was resolved. Hours before the speech McLay texted Mayor Peduto and Acklin that he may have to withdraw from speaking, and the Mayor and Acklin responded that they understood.
- Campaign speech writers drafted a speech for McLay mentioning the candidate which the Chief refused to deliver, and instead insisted on drafting his own remarks, focusing on the nationally-recognized work Pittsburgh is doing on community-police relations.
- McLay notified assistant chiefs at a meeting before the convention that he was speaking, and that his objective was non-political and to "aim the ball right down the middle" on the need for communities and police to come together.
- McLay wore his uniform in his role of representing Pittsburgh Police to the nation.
- City employees – in the police bureau and other departments – often have their travel expenses covered by event sponsors, just as the Democratic National Committee paid for McLay's travel to Philadelphia.

To address concerns about conflicts of interest in internal investigations, upon taking office in 2014 Mayor Peduto moved OMI out from the jurisdiction of the Department of Public Safety and placed it under the purview of the Law Department. He named former federal prosecutor Lourdes Sanchez-Ridge to lead the Law Department, and named Deborah Walker – a former University of Pittsburgh Police officer and Pittsburgh Citizen Police Review Board board chair – to head OMI.

A draft opinion on the McLay allegations circulated by the CPRB's executive director last month stated that, in her opinion, McLay's appearance alone at the Democratic National Convention was political and therefore violated the Code's anti-campaigning prohibitions.

The investigation performed by Walker and a professional OMI investigator found Chief McLay did not engage in campaigning and did not violate the Code. In the final report dated August 25, 2016, they concluded:

"Without a doubt, Pittsburgh Police Chief Cameron McLay delivered a televised, public speech at the Democratic National Convention, while in uniform and at the expense of the DNC Committee. . . The relevant Bureau policy prohibits the wearing of a police uniform when 'championing the cause of or campaigning for any political party or candidate.' Chief McLay was adamant to the host Committee



and their agents that not only could he not campaign for any candidate but that he would not even mention any candidate by name. When under pressure, Chief McLay threatened to withdraw from the event. Chief McLay's statement regarding these events is reasonable and articulate. There is also a time stamped text message to evidence his intention to withdraw if necessary.

Based on the facts and circumstances outlined above, it is the finding of this office that Pittsburgh Police Chief Cameron McLay did not violate any provision of the Manual of Procedural Orders and therefore did not violate the related provision of the City Code. Therefore, this office shall close this investigation as UNFOUNDED."

OMI findings on City personnel matters are released only in instances of unusual public interest. A full copy of the report on this matter [is available here](#).

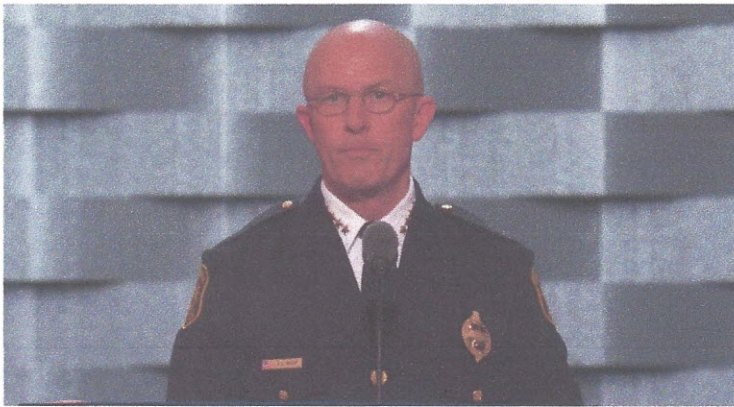


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# Chief McLay Requests Investigation Into His DNC Appearance

By [VIRGINIA ALVINO YOUNG \(/PEOPLE/VIRGINIA-ALVINO-YOUNG\)](#) • AUG 1, 2016

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*Pittsburgh Police Chief Cameron McLay speaking at the Democratic National Convention on Tuesday, July 26, 2016.*

CREDIT DEMOCRATIC NATIONAL CONVENTION / SCREENGRAB

Pittsburgh Police Chief Cameron McLay on Monday requested a review of his appearance at the Democratic National Convention. Two entities will investigate to determine if McLay's appearance violated any city code.

McLay appeared in Philadelphia at the convention last week to speak about police-community relations.

But he came under fire by Robert Swartzwelder, president of the police union, who said uniformed members of law enforcement are prohibited from endorsing or giving the appearance of endorsing

any political campaigns.

In a press release, McLay said, "While I interpret the code differently, I strongly believe I must be accountable to all relevant laws and City policies."

The code in question is Municipal Code 195.02

([https://www.municode.com/library/pa/pittsburgh/codes/code\\_of\\_ordinances?](https://www.municode.com/library/pa/pittsburgh/codes/code_of_ordinances?nodeId=COOR_TITONEAD_ARTXIPE_CH195POPUOF_S195.02PRPOOFCACECI)

[nodeId=COOR\\_TITONEAD\\_ARTXIPE\\_CH195POPUOF\\_S195.02PRPOOFCACECI](https://www.municode.com/library/pa/pittsburgh/codes/code_of_ordinances?nodeId=COOR_TITONEAD_ARTXIPE_CH195POPUOF_S195.02PRPOOFCACECI)), which states, "No officer or employee of the Department of Police shall campaign for a candidate for any office or for a ballot issue while on duty, while wearing a uniform or while on City property. Nor may he/she identify himself/herself as an employee of the Department of Police."



Elizabeth Pittinger, executive director of the Citizen Police Review Board, said she believes this is the first time any officer has requested a review of their own actions, and questions of political involvement have rarely been investigated in the past 10 years.

She said McLay's DNC appearance resulted in one anonymous call and some general comments, but no formal complaints. She has already opened an inquiry however, because of public interest and the union's allegations (<http://wesa.fm/post/police-chief-responds-criticism-after-speaking-dnc#stream/0>).

She said the Review Board will spend several weeks reviewing communications between the DNC and McLay, and hearing his testimony.

"Who provided the transportation, who provided the accommodation, who invited him, who assisted him in his ability to present his comments at the convention," Pittinger said. "It was a partisan venue, I think that's where it gets messy. And he appeared in uniform and that makes it messy."

But she said, the violation is not clear.

"I don't believe he was actively campaigning or endorsing a particular candidate," Pittinger said. "Nor was he endorsing a particular plank in the democratic platform. He was not actively promoting anything other than positive respective relationship between the community and the police."

The Review Board's report will be delivered to Mayor Bill Peduto in several weeks. McLay said Peduto and Pittsburgh Director of Public Safety Wendell Hissrich both supported his appearance at the convention.

The Office of Municipal investigations will also look into McLay's DNC appearance.

**TAGS:** [CAMERON MCLAY \(/TERM/CAMERON-MCLAY\)](#) [PITTSBURGH POLICE \(/TERM/PITTSBURGH-POLICE\)](#)

[DEMOCRATIC NATIONAL CONVENTION \(/TERM/DEMOCRATIC-NATIONAL-CONVENTION\)](#)

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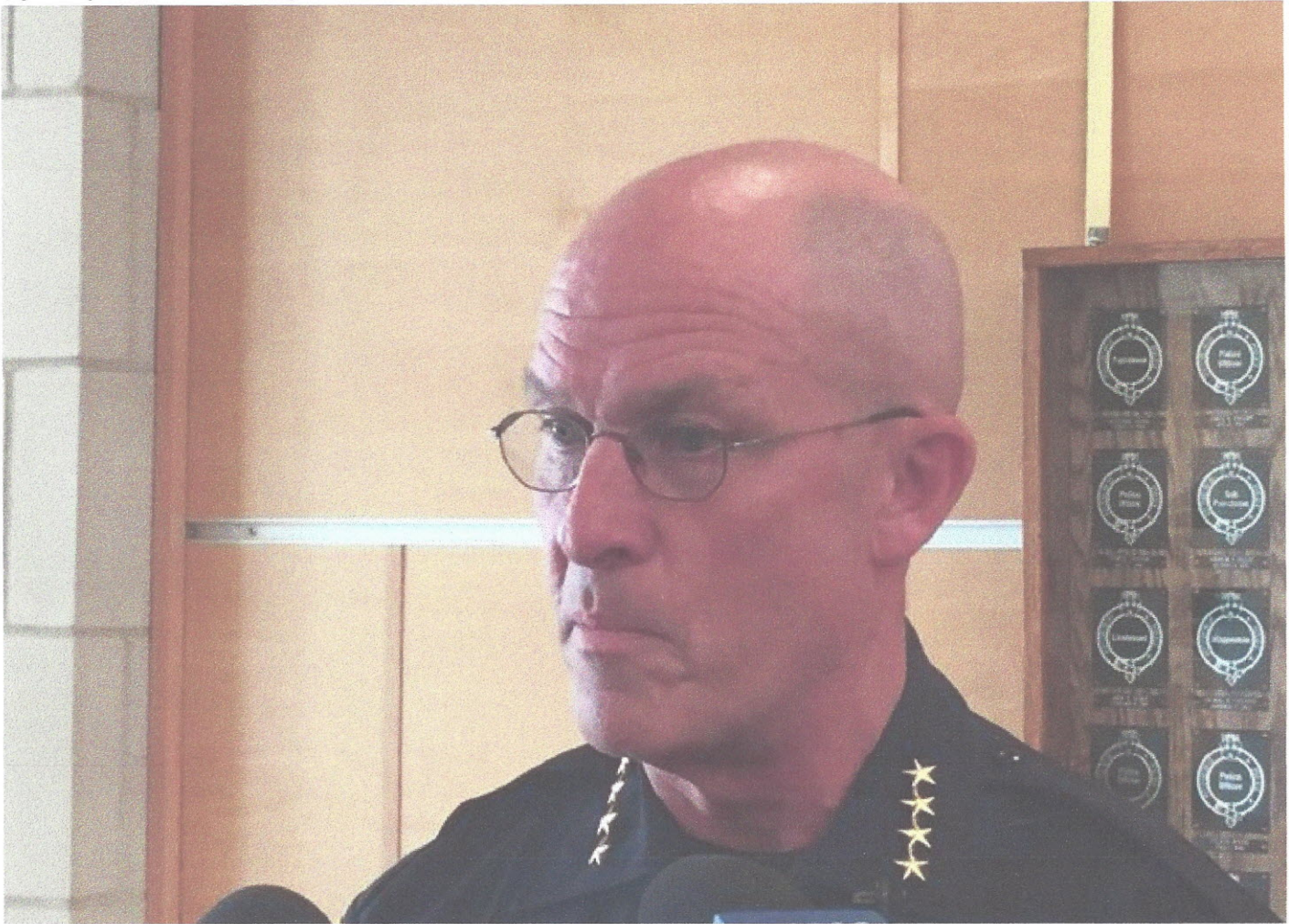
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## FOP president decries police chief's DNC speech

July 27, 2016 11:46 PM



Gracey Evans/Post-Gazette

Pittsburgh police Chief Cameron McLay defends his presence at the Democratic National Convention during a news conference Wednesday at police headquarters on the North Side.



By Karen Kane / Pittsburgh Post-Gazette

Pittsburgh police Chief Cameron McLay said he was pleased to receive an invitation to speak at the Democratic National Convention on Tuesday night because it was an opportunity to speak on a subject about which he is passionate: police and community relations.

Fraternal Order of Police president Robert Swartzwelder said Wednesday his boss committed a misstep and should face disciplinary action perhaps as severe as dismissal for what the union leader deems an obvious violation of the municipal code.

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"Anyone who believes in any way, shape or form that the DNC is not a political campaign is an idiot," he said, referring to a provision in the municipal code that prohibits campaigning by police in uniform: "No officer or employee of the Department of Police shall campaign for a candidate for any office or for a ballot issue while on duty, while wearing a uniform or while on City property. Nor may he/she identify himself/herself as an employee of the Department of Police."

At the DNC on Tuesday, Chief McLay was introduced as the Pittsburgh police chief, and he was in uniform.

But, at a media briefing Wednesday afternoon, Chief McLay disputed that his speech constituted campaigning — though he acknowledged the content was reviewed by "professional campaign writers" and was edited to reduce its content by about half. He said he didn't know if the campaign writers worked for Democratic presidential nominee Hillary Clinton or the Democratic Party.

The purpose in accepting the invitation to speak at the DNC, the chief said, was to talk about "what meaningful police reform should look like." He said he also wanted to make the point that "my cops do a great job."

If the FOP president is upset, the chief said he will discuss the issue with him.

Witold Walczak, the legal director for the American Civil Liberties Union of Pennsylvania, said he had no problems with Chief McLay's speech or his appearance at the DNC.

"He's not endorsing a candidate. He was promoting a view of policing used in Pittsburgh and that he believes could be a model for the nation," Mr. Walczak said.

The Democrats, he continued, invited Chief McLay because he is someone who embraces a view of policing that they support.

"As we all sit here today, we don't know who he's endorsing," Mr. Walczak said.

The matter appears unlikely to gain traction with the chief's bosses. Mayor Bill Peduto's chief of staff, Kevin Acklin, said in a statement that there was no violation of the city code.

"We are aware of the restrictions under city code and we explicitly required that his remarks were not political as a condition of his appearance. Chief McLay was invited by the convention to tell the nation about the efforts of the Pittsburgh Police force toward building stronger community relations, and he did not campaign for any candidate. There was no mention of any candidate in his remarks, he did not express support for any candidate, and we are proud that he celebrated the efforts of our police officers on a national stage."

Officer Swartzwelder vehemently countered the point. "The DNC is there to endorse a candidate. You're living under a rock if you don't see that," he said.

He believes the chief should be disciplined, and he said he will raise the issue every time one of his union members faces disciplinary action.

"The mayor is endorsing violation of the municipal code," he said.

In June, Allegheny County officials asked Republican presidential nominee Donald Trump's campaign to stop using a photograph of the candidate with county police in a mass email distribution. The email featured photographs from his campaign trail, including an image of Mr. Trump surrounded by about a dozen local public safety workers, including several county police officers. The photo was taken during a stop by Mr. Trump at Pittsburgh International Airport.

## Four Quick Questions

Are you starting to worry about Fleury?

- ☐ Yes
- ☐ No
- ☐ No strong take

Next

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At the time, Coleman McDonough, the department's newly appointed superintendent, said the photo should not have appeared in the email. But he said there was no violation of policy by officers, saying the campaign was responsible.

Mr. Walczak said the situation with Mr. Trump and his use of the photograph with county officers is different.

"They were being used in a clearly partisan campaign promotion for Trump, and it was done unwittingly by the cops," Mr. Walczak said. "He snapped that photo and used it without their permission.

"It was problematic at all levels."

Paula Reed Ward contributed. Karen Kane: [kkane@post-gazette.com](mailto:kkane@post-gazette.com) or at 724-772-9180.

## Question





Do you think Chief Cameron McLay should be penalized for speaking at the DNC?

- ☐ Yes
- ☐ No
- ☐ I'm not sure

See Results

Post-Gazette Question

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