



CITIZEN POLICE REVIEW BOARD

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Approved
6/28/16

Minutes of CPRB Meeting Held on May 24, 2016 (Mtg. No. 186)
Hazelwood Senior Center
5344 Second Avenue
Pittsburgh, PA 15207
Neighborhood: Hazelwood

Members Present: Dr. Emma Lucas-Darby, Chair
Mr. Elwin Green
Dr. Mary Jo Guercio
Ms. Karen McLellan

Excused: Mr. Thomas C. Waters, Vice Chair
Mr. Sheldon Williams

Absent: Ms. Leshonda Roberts
Vacancies: None

Solicitors: Ms. Elizabeth F. Collura, Esq.

Staff Present: Ms. Elizabeth C. Pittinger, Executive Director
Ms. Carolyn L. Gaskin, Assistant Executive Director
Ms. Sherri Bridgett, Investigator
Ms. Michelle Gamble, Investigator

Excused: Mr. Michael Ayoob, Intake Coordinator
Mrs. Kathy Carson, Investigator

Administrative Matters:

Dr. Darby, Chair, called the meeting to order at 6:20 p.m.

A motion to accept the May 24, 2016 Board Meeting Agenda was offered by Dr. Guercio, seconded by Ms. McLellan and approved unanimously.

A motion to approve the Board Minutes from the April 26, 2016 meeting was offered by Mr. Green, seconded by Ms. McLellan and approved unanimously.

Ms. Pittinger extended a heartfelt thank you to the Board for their sincere condolences and kind words expressed following the death of a family member.

Executive Director's Report

- Ms. Pittinger updated the Board on the status of Mayor Peduto's 3/24/16 request; which required PBP Chief McLay to engage with CPRB to determine whether or not the promotional process applied to Sergeant Mignogna adhered to the standards set forth in the 2007 Officer Involved Domestic Violence ordinance and the correlating PBP General Order. Ms. Pittinger stated that on 5/19/16, the final report entitled, "An Independent Review of the Promotional Consideration applied to Sergeant Mignogna," was delivered to Mayor Peduto, Mayoral Chief of Staff Kevin Acklin, and PBP Chief McLay. Ms. Pittinger noted that currently, there has been

no response from the administration; however, CPRB has received requests for the report from the media, who have been directed to consult with the Mayor and/or Chief of police. Ms. Pittinger further noted that the Chief has been invited to the 6/28/16 meeting to discuss the report and the recommendations contained therein.

- On 5/19/16, Ms. Pittinger attended a cablecast public hearing convened by City Council. The hearing developed pursuant to a petition by city of Pittsburgh residents in regard to their concerns about police contracts, benefits, and rapport to staffing. The petition also requested the participation of Council, Mayor Peduto, and Mayoral Chief of Staff Kevin Acklin. Ms. Pittinger stated that even with the low-turnout, attendees and City Council members expressed thoughts about issues surrounding community/police relations; and Councilwoman Theresa Kail-Smith pledged to assemble a post-agenda to discuss “all things police.” Ms. Pittinger stated that when formally scheduled, she anticipates attending the meeting.
- Ms. Pittinger discussed PA House Bill No. 1538 & Senate Bill No. 1061; both bills essentially prohibit the release of a law enforcement officer’s identity unless the officer is charged with a crime relating to the discharge of a firearm or the use of force and also describe the penalties imposed for any person found in violation. Ms. Pittinger noted that the implications drawn from the proposed legislation would greatly compromise the efforts of police oversight and accountability. Ms. Pittinger stated that House Bill No. 1538 passed overwhelmingly (162/38) and Senate Bill No. 1061 remains in the PA Senate Committee on Law & Justice; Ms. Pittinger intends to continue sending letters expressing opposition of the bills.
- Ms. Pittinger informed the Board that due to personal obligations, CPRB member Leshonda Roberts intends to resign, effective 6/30/16. Ms. Pittinger stated that Ms. Roberts is the incumbent in Mayoral seat #5, with a term expiring on 10/31/17. Ms. Roberts was seated in 2010 by the Ravenstahl administration and since then has proudly championed the Board’s mission to improve citizen/police relationships and will be greatly missed. Consequently, Mayor Peduto will be appropriately advised of the impending vacancy; after which he is expected to offer a successor for Council confirmation within 30 days.
- Ms. Pittinger informed the Board that the CPRB Right to Know policy has been posted on the CPRB website (www.CPRBpgh.org). Ms. Pittinger further noted that the CPRB is in full compliance and all Right to Know requests for information must be submitted to the Open Records Officer (Beth Pittinger, CPRB Executive Director).

Case Review

Dr. Darby moved to the case review agenda (copy attached); each case was voted upon as recorded. Copies of the agenda were made available to the public and will be published on the CPRB website: <http://www.city.pittsburgh.pa.us/cprb/>

Public Comment

Dr. Darby invited public comment; Mr. Mark Ozark offered comment.

Next Meeting

Dr. Darby announced that the next monthly board meeting is scheduled for 6:00 p.m., Tuesday, June 28, 2016 @ PERSAD Center, 5301 Butler Street, #100, Pittsburgh, PA 15201.

The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Carolyn L. Gaskin
Assistant Executive Director

Attachments (2):

1. 5/24/16 Case Review/Board Actions
2. 5/24/16 Executive Director's Report

A video recording of this meeting will be made available at www.CPRBpgh.org

Minutes/Notes of the Independent CPRB meetings and public documents are available at the website cited above.

CPRB CASE REVIEW AGENDA

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (2)				
198-15-ED/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Use of Force (PBP 12-6, 3.1)	Executive Director opened an inquiry into an incident that occurred on 10/17/15 at PNC Park.	AUTHORIZED SUSPENSION McLellan/Green 4-0	Pending Executive Director's Review.
223-15/BRIDGETT HEARING PANEL: DR. GUERCIO, CHAIR DR. DARBY MR. WILLIAMS	Unbiased Policing (PBP 11-3, 4.1) Obedience to Orders &/or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O. acted inappropriately following the encounter.	AUTHORIZED PUBLIC HEARING Guercio/Green 4-0	The evidence continues to support the allegations.
FULL INVESTIGATION (4)				
38-16/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.1) Truthfulness (PBP 16-1, 3.19;4) False Report (PBP 62-1, 2.10)	Cx. alleges that the S.O. falsified a police report.	AUTHORIZED FULL INVESTIGATION Guercio/McLellan 4-0	Preliminary evidence suggests more investigation time is needed.
51-16/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O.s are neglecting their duties because they have not arrested the individuals that assaulted him.	AUTHORIZED FULL INVESTIGATION Guercio/McLellan 4-0	Preliminary evidence suggests more investigation time is needed.
57-16-P/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19) Towing and Tow Pound Procedures (PBP 41-4, 1.1)	Cx. alleges that the S.O. illegally towed his vehicle.	AUTHORIZED FULL INVESTIGATION Guercio/McLellan 4-0	Preliminary evidence suggests more investigation time is needed.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
65-16/BRIDGETT	Use of Force (PBP 12-6, 3.7)	Executive Director opened an inquiry into an alleged incident involving a S.O. who pushed the Victim on 4/13/16.	AUTHORIZED FULL INVESTIGATION Guercio/McLellan 4-0	Preliminary evidence suggests more investigation time is needed.
30 DAY EXTENSION OF FULL INVESTIGATION (4)				
05-16/GAMBLE	Unbiased Policing (PBP 11-3, 4.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19)	Cx. alleges the S.O.s are harassing the Victim and filed false homicide charges against him.	AUTHORIZED 30 DAY EXTENSION McLellan/Green 4-0	The Victim needs to be interviewed.
44-16/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Use of Force (PBP 12-6, 3.7)	Cx. alleges the S.O. has a history of harassing him and the tow-truck company that he is employed by.	AUTHORIZED 30 DAY EXTENSION McLellan/Green 4-0	Investigator is awaiting a response from the Cx.
45-16/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. is harassing and preventing him from conducting business.	AUTHORIZED 30 DAY EXTENSION McLellan/Green 4-0	The Cx. and S.O. need to be interviewed.
47-16/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1;2) Use of Force (PBP 12-6, 3.1;3) TASER (PBP 12-13, 11.1;4) Conduct Unbecoming a Member (PBP 16-1, 3.6;5) Conduct Toward the Public (PBP 16-1, 3.7;6) Property of Prisoners (PBP 50-2, 7.2)	Cx. alleges that the S.O.s used unnecessary force against the Victim.	AUTHORIZED 30 DAY EXTENSION McLellan/Green 4-0	The Cx. and Victim need to be interviewed.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
UNSUSTAINABLE (0)				
UNFOUNDED (2)				
41-16/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. ordered him to leave public property.	DISMISSED AS UNFOUNDED McLellan/Green 4-0	The evidence does not establish a violation of PBP policy or procedure.
42-16/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O.s will not permit him to get autographs from the Pittsburgh Penguins.	DISMISSED AS UNFOUNDED McLellan/Green 4-0	The evidence does not establish a violation of PBP policy or procedure.
SUSPENSIONS (8)				
10-16-ED/GAMBLE	Discharge of Firearms (PBP 12-7, 4.4) Motor Vehicle Pursuits (PBP 4-5, 1.2)	Executive Director opened an inquiry into an alleged incident involving a motor vehicle pursuit that occurred on 1/22/16.	AUTHORIZED SUSPENSION UNTIL THE JUNE MEETING Guercio/McLellan 4-0	Pending the conclusion of the DA's investigation.
16-16-ED/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Use of Force (PBP 12-6, 3.0)	Executive Director opened an inquiry into an alleged incident that occurred on 11/25/15 at Heinz Field.	AUTHORIZED SUSPENSION UNTIL THE JUNE MEETING Guercio/McLellan 4-0	Pending the outcome of the S.O.'s criminal and arbitration proceedings.
17-16-P/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1;2) Obedience to Orders &/or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O. has a personal vendetta against him.	AUTHORIZED SUSPENSION UNTIL THE JUNE MEETING Guercio/McLellan 4-0	Investigator will attempt to interview more Witnesses.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
137-15/BRIDGETT	Use of Force (PBP 12-6, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that he was falsely arrested.	AUTHORIZED SUSPENSION UNTIL THE JUNE MEETING Guercio/McLellan 4-0	Investigator is awaiting a response from the Cx.
186-15/BRIDGETT	Obedience to Orders &/or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1,3.19;4) Eyewitness ID Procedure (PBP 43-17, 9.0;5)	Cx. alleges that the S.O. tampered with evidence and intimidated a witness during his trial.	AUTHORIZED SUSPENSION UNTIL THE JUNE MEETING Guercio/McLellan 4-0	Pending the conclusion of the Cx.'s court proceeding.
235-15-ED/BRIDGETT	Use of Force (PBP 12-6)	Executive Director opened an inquiry into a 10/24/15 incident where PBP officer used force during an arrest.	AUTHORIZED SUSPENSION UNTIL THE JUNE MEETING Guercio/McLellan 4-0	Investigator will continue trying to locate the Victim and Witnesses.
241-15-ED/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Use of Force (PBP 12-6, 3.0)	Executive Director opened an inquiry into two alleged incidents that occurred downtown on 12/16/15 at the Wood Street T- Station.	AUTHORIZED SUSPENSION UNTIL THE JUNE MEETING Guercio/McLellan 4-0	Pending determination of the Administration's response.
266-12-ED/ GAMBLE/CARSON/BRIDGETT	Use of Force (PBP 12-6, 3.1) Discharge of Firearms (PBP 12-7, 4.3) Incompetency (PBP 16-1, 3.12) Neglect of Duty (PBP 16-1, 3.13)	On 11/12/12, the Executive Director opened an inquiry into an incident that occurred on 11/11/12.	AUTHORIZED SUSPENSION UNTIL THE JUNE MEETING Guercio/McLellan 4-0	Pending the Victim's lawyer's release to communicate with the Investigator.
OTHERS (0)				

MEMORANDUM

To: Dr. Emma Lucas-Darby, Chair
Honorable Members of the Board
From: Elizabeth C. Pittinger
Executive Director
Date: May 23, 2016
Re: Executive Director's Report: 5/24/16

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Intake Summary through 05/23/16: total cases 91 YTD

Citizen Complaints: 16 Pending Citizen Action: 63 EDI: 04 Total Intake: 91
Out of Jurisdiction: 06 Statute of Limitation: 02

(Actual Totals for 2015:	CC: 41; PCA: 179; OJ: 23; SL: 03	EDI: 07	Total: 253)
(Actual Totals for 2014:	CC: 61; PCA: 219; OJ: 12; SL: 02	EDI: 05	Total: 299)
(Actual Totals for 2013:	CC: 73; PCA: 224; OJ: 32; SL: 07	EDI: 05	Total: 341)
(Actual Totals for 2012:	CC: 49; PCA: 194; OJ: 23; SL: 06	EDI: 01	Total: 273)
(Actual Totals for 2011:	CC: 38; PCA: 215; OJ: 18; SL: 09	EDI: 02	Total: 282)
(Actual Totals for 2010:	CC: 79; PCA: 221; OJ: 30; SL: 05	EDI: 01	Total: 336)
(Actual Totals for 2009:	CC: 80; PCA: 380; OJ: 18; SL: 09	EDI: 05	Total: 490)
(Actual Totals for 2008:	CC: 66; PCA: 288; OJ: 45; SL: 05	EDI: 03	Total: 412)
(Actual Totals for 2007:	CC: 71; PCA: 227; OJ: 65; SL: 08	EDI: 10	Total: 425)
(Actual Totals for 2006:	CC: 76; PCA: 280; OJ: 85; SL: 09		Total: 450)
(Actual Totals for 2005:	CC: 59; PCA: 284; OJ: 70; SL: 18		Total: 431)
(Actual Totals for 2004:	CC: 61; PCA: 352; OJ: 62; SL: 14		Total: 489)
(Actual Totals for 2003:	CC: 61; PCA: 380; OJ: 66; SL: 20		Total: 527)
(Actual Totals for 2002:	CC: 75; PCA: 330; OJ: 83; SL: 26		Total: 514)
(Actual Totals for 2001:	CC: 77; PCA: 362; OJ: 87; SL: 11		Total: 537)
(Actual Totals for 2000:	CC: 75; PCA: 394; OJ: 92; SL: 30		Total: 590)
(Actual Totals for 1999:	CC: 80; PCA: 383; OJ: 27; SL: 11		Total: 501)

1. Miscellaneous:

- a. 5/19/16: "Final Report: An Independent Review of the Promotional Consideration applied to Sergeant Mignogna" was sent to the Chief of Police, City Solicitor, Chief of Staff and the Mayor. This report was developed following a directive from the Mayor to the Chief of Police on March 24, 2016 to seek an independent CPRB review of the police promotional process following disclosure that a recently promoted officer had a history of PFA orders. The Chief of Police has been invited to the CPRB's meeting on June 28 to discuss the report and recommendations contained therein.
- b. 5/19/16: Attended a public hearing convened by City pursuant to a "Petition from the residents of the City of Pittsburgh requesting a Public Hearing before City Council with Mayor Bill Peduto and Mayoral Chief of Staff Kevin Aklin in attendance regarding concerns for police contracts, benefits and rapport to staffing". Six people signed up to comment, four from one family, two of whom are minors. The substance of the comments expressed concern about police

staffing and the manner in which police are policing. The manner in which police "police" centered on perceived restrictions imposed upon police but the examples used reflected dissatisfaction with police actions that were actually proper but not popular. Councilwoman Theresa Kail Smith pledged to convene a post-agenda meeting about "all things police". That meeting has not been scheduled. It is noted that a similar meeting was scheduled for June 2015 but was canceled.

- c. 5/6/16: Met with a delegation of journalists from the Ukraine as part of the Global Pittsburgh International Visitors Program.
2. SB1061: Protection for Law Enforcement: PA Senate Committee on Law & Justice
 - a. This Bill is substantively the same as HB1538. SB1061 remains in the Committee on Law & Justice. A copy is attached.
 - b. The Bill prohibits the release of a law enforcement officer's identity when a firearm is discharged or force is used unless that officer is charged with a crime.

The caveat reads:

511 (b) (2) If the law enforcement officer is not charged with a criminal offense relating to the discharge of the firearm or the use of force, the information may not be released to the public if the release of the information can reasonably be expected to create a risk of harm to the person or property of the law enforcement officer or an immediate family member of the law enforcement officer.

(c) Penalty.--A person who violates this section commits a misdemeanor of the second degree.

A second degree misdemeanor in Pennsylvania carries a potential of 2 years incarceration and up to a \$5000 fine.

3. Board Membership
 - a. Ms. Leshonda Roberts has advised me of her intention to resign from the Board due to personal commitments. Ms. Roberts is the incumbent in Mayoral Seat #5, term expiring 10/31/2017.
 - b. Under the City Code the Mayor will be notified after which he is expected to offer a successor for Council confirmation within 30 days.
4. Right to Know Notice
 - a. Our revised RTK Policy was posted to the website, cprbpgh.org.
 - b. The RTK Officer is designated as the Executive Director.
5. CPRB #198-15-ED: This was an inquiry into an incident at PNC Park involving a questionable use of force by a Pittsburgh police officer engaged in a secondary detail

Executive Director's Report: 05/24/16

during a baseball game between the Pirates and Chicago Cubs. The incident came to our attention through a video posted by an observer. The victim has not filed a complaint with the CPRB but has cooperated with the inquiry.

- a. Recommendation: In lieu of a public hearing on this incident, the Executive Director wishes to address this incident directly to the Chief of Police.

Respectfully submitted,



5/24/16

1 misdemeanor of the second degree.

2 (d) Definitions.--The following words and phrases when used
3 in this section shall have the meanings given to them in this
4 subsection unless the context clearly indicates otherwise:

5 "Immediate family member." The spouse, child, parent or
6 sibling of a law enforcement officer.

7 "Law enforcement officer." The term shall have the meaning
8 given to the term "peace officer" in section 501 (relating to
9 definitions).

10 Section 2. This act shall take effect in 60 days.