



CITIZEN POLICE REVIEW BOARD

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Approved
12/06/16

**Minutes of CPRB Meeting Held on October 25, 2016 (Mtg. No. 190)
Carnegie Library Homewood Branch
7101 Hamilton Avenue
Pittsburgh, PA 15206
Neighborhood: Homewood**

Members Present: Dr. Emma Lucas-Darby, Chair
Mr. Thomas C. Waters, Vice Chair
Mr. Elwin Green
Dr. Mary Jo Guercio
Sr. Patrice Hughes, SC
Ms. Karen McLellan
Mr. Sheldon Williams

Excused: None

Absent: None

Vacancies: None

Solicitor: 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

Administrative Matters:

Dr. Darby, Chair, called the meeting to order at 6:05 p.m.

A motion to approve the July 26, 2016 Board Meeting Minutes was offered by Ms. McLellan seconded by Sr. Patrice and approved unanimously.

Dr. Darby expressed gratitude to the CPRB staff for scheduling the regular monthly board meetings at various locations across the city, and acknowledged this action as a continued effort to garner community participation.

Executive Director’s Report

- Ms. Pittinger reported on PBP Chief Cameron McLay’s appearance at the Democratic National Convention that was held in Philadelphia on 7/26/16. Following Chief McLay’s speech, controversy emerged because he was introduced as the Pittsburgh Chief of Police and addressed the delegates and national television audience while dressed in full uniform. On 7/30/16, following criticism from the Fraternal Order of Police, Fort Pitt #1 and media coverage, Chief McLay requested that OMI investigate the matter; their 8/25/16 report concluded that Chief McLay did not violate the City Code or any Police Standards of Conduct. On 9/2/16, Mayor Peduto publicly released OMI’s report. On 8/1/16, by letter Chief McLay requested the Citizen Police Review Board to determine whether his appearance violated any departmental or local

regulations. In an effort to expedite disposition into the matter, Ms. Pittinger prepared a comprehensive report with a caveat attached explaining that any further action --- would be upon the Board's receipt and distributed it to Public Safety Director Wendell Hissrich and CPRB members on 8/17/16. Ms. Pittinger's report concluded that the Chief's appearance violated provisions in the Pittsburgh Home Rule Charter and City Code, and the federal Hatch Act.

- Dr. Darby thanked Ms. Pittinger for her diligent work in preparing the report entitled, "DNC Appearance, Chief McLay 7/26/16."

A motion to adopt the report was offered by Sr. Patrice, seconded by Mr. Green. The motion carried with the following vote: 5 ayes; 1 opposition - Mr. Waters; 1 abstention – Mr. Williams.

Sr. Patrice offered and withdrew an amended motion of her original motion to include adding recommendations from the Board.

A motion to draft recommendations to be approved by the Board before being released to the public was offered by Sr. Patrice. Without a second the motion died.

A motion to direct the Executive Director to have dialogue with the Mayor and City Council to clarify the definition of political activity as specified in the City Code was offered by Mr. Williams seconded by Mr. Waters, and approved unanimously.

The Board held an extensive discussion regarding the report of which has been transcribed and attached.

- Ms. Pittinger reported on the Western PA Regional Data Center website (www.wprdc.org); which is managed by the University of Pittsburgh's Center for Social and Urban Research, and is a partnership of the University, Allegheny County, and the City of Pittsburgh. Ms. Pittinger noted that the site posts public information to improve transparency, including 66 datasets for the City of Pittsburgh. Ms. Pittinger also mentioned the Crime Data Guide, another segment of the site; which offers information and tools related to crime, courts, and police activity including that of the Pittsburgh Bureau of Police.
- Ms. Pittinger and Assistant Executive Director Carolyn Gaskin travelled to Albuquerque, New Mexico to attend the 22nd NACOLE conference from 9/24/16 thru 9/29/16. This year's conference was entitled "Confronting Systemic Injustice." Ms. Pittinger participated as a guest panelist in a workshop titled, "The Cyclical Nature of Civilian Oversight, along with Ursula Price, Executive Director of Community Relations for the New Orleans, LA Independent Police Monitor and Anthony Finnell, Executive Director of the Oakland, CA Citizen Police Review Board. Panelists offered a presentation about their individual oversight models and how each agency formed and evolved.

- Ms. Pittinger briefly discussed the legislative progression of Senate Bill 400, Senate Bill 976 and House Bill 1538. With regard to Senate Bill 400, Ms. Pittinger mentioned working in partnership with the Black Political Empowerment Project [B-PEP] to propose amending the Commonwealth Attorney Act to include a provision that requires the medical examiner and/or coroner to notify the attorney general of any death resulting from law enforcement. Ms. Pittinger personally drafted and distributed to the Members legislation notes summarizing the development and movement of each aforementioned bill.
- Ms. Pittinger stated that the current “You and the Police” brochure has undergone a relatively simple revision and a reprint of 10,000 copies will soon be available for distribution. Ms. Pittinger noted that previously, nearly 15,000 copies were distributed and she anticipates circulating the brochures throughout the communities, schools and to parents of school aged children.

Case Review

Dr. Darby moved to the case review agenda (copy attached), each case was voted upon as recorded and copies of the agenda were made available to the public.

Public Comment

Dr. Darby invited public comment; none was offered.

Next Meeting

Dr. Darby announced that the next monthly board meeting is scheduled for 6:00 p.m., Tuesday, December 6, 2016, located at the City Council Chambers, 5th FL, 414 Grant Street, Pittsburgh, PA 15219.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Carolyn L. Gaskin
Assistant Executive Director

Attachments (3):

1. 10/25/16 Case Review/Board Actions
2. 10/25/16 Executive Director's Report
3. 10/25/16 Transcribed Discussion re: Chief McLay DNC Appearance Report

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

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

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (0)				
FULL INVESTIGATION (5)				
20-16/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1) Use of Force (PBP 12-6, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O.s used excessive force during her arrest.	AUTHORIZED FULL INVESTIGATION WILLIAMS/MCLELLAN 7-0	Preliminary evidence suggests more investigation time is needed.
21-16/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13) Truthfulness (PBP 16-1, 3.19) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O.s neglected their duties during the encounter.	AUTHORIZED FULL INVESTIGATION WATERS/GREEN 5-2 (GUERCIO & WILLIAMS VOTED NO)	Preliminary evidence suggests more investigation time is needed.
74-16/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O.s neglected to arrest his son's aggressor.	AUTHORIZED FULL INVESTIGATION MCLELLAN/WATERS 7-0	Preliminary evidence suggests more investigation time is needed.
124-16/BRIDGETT	Unbiased Policing (PBP 11-3, 4.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. acted unprofessionally during an arrest.	AUTHORIZED FULL INVESTIGATION MCLELLAN/WATERS 7-0	Preliminary evidence suggests more investigation time is needed.
149-16/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Neglect of Duty (PBP 16-1, 3.13) Police Response to Domestic Violence (PBP 40-12, 5.0)	Cx. alleges that the S.O.s failed to respond accurately to a domestic violence call.	AUTHORIZED FULL INVESTIGATION MCLELLAN/WATERS 7-0	Preliminary evidence suggests more investigation time is needed.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
30 DAY EXTENSION OF FULL INVESTIGATION (0)				
UNSUSTAINABLE (3)				
04-16/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O.s neglected to follow-through with the investigation in a timely manner.	DISMISSED AS UNSUSTAINABLE MCLELLAN/WILLIAMS 7-0	Investigator could not prove or disprove the Cx.'s allegations.
65-16-ED/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.	DISMISSED AS UNSUSTAINABLE MCLELLAN/WILLIAMS 7-0	The evidence does not demonstrate that the S.O. targeted the Victim during the event.
112-16/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that whenever he called 911, the S.O.s refused to take police reports.	DISMISSED AS UNSUSTAINABLE MCLELLAN/WILLIAMS 7-0	Investigator could not prove or disprove the Cx.'s allegations.
UNFOUNDED (0)				
SUSPENSIONS (11)				
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 DECEMBER MEETING GUERCIO/GREEN 7-0	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 DECEMBER MEETING GUERCIO/GREEN 7-0	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 DECEMBER MEETING GUERCIO/GREEN 7-0	Investigator will attempt to attend the Cx's impending court proceeding.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
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 SUSPENSION UNTIL THE DECEMBER MEETING GUERCIO/GREEN 7-0	Investigator will attempt to interview more Witnesses.
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 SUSPENSION UNTIL THE DECEMBER MEETING GUERCIO/GREEN 7-0	Investigator will attempt to attend the Cx.'s forthcoming court hearing.
60-16/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O. did not permit her tow truck drivers to tow any vehicles.	AUTHORIZED SUSPENSION UNTIL THE DECEMBER MEETING GUERCIO/GREEN 7-0	Investigator will request additional PBP documents.
72-16/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13) Truthfulness (PBP 16-1, 3.19) False Report (PBP 62-10, 2.10) Crash Response Investigation/Reports (PBP 41-30, 3.0)	Cx. alleges that the S.O. did not investigate his vehicle accident in a professional manner.	AUTHORIZED SUSPENSION UNTIL THE DECEMBER MEETING GUERCIO/GREEN 7-0	Witness #2 needs to be contacted and interviewed.
103-16/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)	Executive Director opened an inquiry into an alleged incident that occurred on 6/1/16 in East Liberty.	AUTHORIZED SUSPENSION UNTIL THE DECEMBER MEETING GUERCIO/GREEN 7-0	The Victim needs to be interviewed.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
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 DECEMBER MEETING GUERCIO/GREEN 7-0	Pending the conclusion of the Cx.'s court proceeding.
241-15-ED/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Use of Force (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 DECEMBER MEETING GUERCIO/GREEN 7-0	Pending additional PBP information.
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 ordered an inquiry about an incident that occurred on 11/11/12.	AUTHORIZED SUSPENSION UNTIL THE DECEMBER MEETING GUERCIO/GREEN 7-0	Pending the Victim's lawyer's release to communicate with the Investigator.
OTHER (3)				
101-16/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the Subject Officers entered her residence with a warrant looking for the Victim even though she stated he was not there.	DISMISSED DUE TO CX.'S LACK OF COOPERATION HUGHES/MCLELLAN 7-0	Cx. has not participated in the investigation.
137-16/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1,3.7) Neglect of Duty (PBP 16-1, 3.13) Reports (PBP 40-19, 5.1) Rape Investigation (PBP 43-3, 2.0)	Cx. alleges that the S.O.s failed to interview the Victim of an alleged rape.	ACCEPTED CX'S REQUEST TO WITHDRAW HUGHES/MCLELLAN 7-0	Cx. no longer wishes to pursue the complaint.
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 10/07/15 at PNC Park.	ACCEPTED CX.'S REQUEST TO WITHDRAW HUGHES/MCLELLAN 7-0	Close Administratively.

MEMORANDUM

To: Dr. Emma Lucas-Darby, Chair
Honorable Members of the Board

From: Elizabeth C. Pittinger
Executive Director

Date: October 25, 2016

Re: Executive Director's Report: 10/25/16

Suite 400
816 Fifth Avenue
Pittsburgh PA 15219

412-765-8023 (Voice)
412-765-8059 (Fax)
cprb@pittsburghpa.gov



Intake Summary through 10/24/16: 182 complaints received

Citizen Complaints: 30 Pending Citizen Action 124 EDI: 06 Total Intake: 182
Out of Jurisdiction: 20 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. Implications of Chief McLay's Appearance at the Democratic National Convention July 26, 2016.

Chief McLay addressed the delegates and national television audience of the Democratic National Convention on Tuesday, 7/27/16. By letter dated 8/1/16, Chief McLay requested that the CPRB to investigate his conduct relative to the DNC. Pittinger prepared a report and on 8/17/16 provided it to the Director of Public Safety to expedite disposition of the matter. Pittinger concluded that the Chief's appearance violated the Home Rule Charter, City Code and the Hatch Act. The Board Members received copies of Pittinger's report on 8/17/16. Public receipt of the report is today, 10/25/16. The report contained a caveat advising that upon formal receipt the Members may deem further action to be appropriate and if so the parties would be notified.

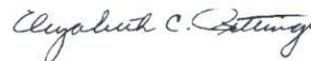
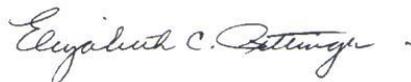
On 7/30/16, Chief McLay requested that OMI investigate the matter. OMI's determination (and report) that Chief McLay did not violate the City Code or Police Standards of Conduct was released through the Mayor's office on 9/2/16.

2. Western PA Regional Data Center (<https://www.wprdc.org/>)

- a. This site is an open data portal for Allegheny County and the City of Pittsburgh. It is managed by the University of Pittsburgh's Center for Social and Urban Research, and is a partnership of

- the University, Allegheny County and the City of Pittsburgh. Currently there are 66 datasets for the City of Pittsburgh (<https://data.wprdc.org/organization/city-of-pittsburgh/>).
- b. The Crime Data Guide presents a lot of information and tools related to crime, courts and police activity including that of the Pittsburgh Bureau of Police (<http://wprdc.org/crime/>). This site includes links to the PBP annual reports, 2012-2015.
3. NACOLE 2016: "Confronting Systemic Injustice", Albuquerque, NM, 9/25-9/29/16.
 - a. Pittinger and Assistant Executive Director Gaskin attended the conference. Pittinger participated in a panel, The Cyclical Nature of Civilian Oversight, with colleagues from Oakland CA and New Orleans LA. This session offered attendees an opportunity to hear about differing oversight roles & functions, how the represented agencies formed & evolved.
 - b. We learned of an interesting strategy employed by some jurisdictions designed to minimize conflicts of interest and/or undue political influence by local government over their respective civilian oversight entities. The allocation for the oversight entity is tied to a percentage of the local police budget rather than a separate "departmental" allocation process. The theory is that the oversight entity is vulnerable to political whims and manipulation when treated as a separate allocation
 4. Legislative Notes: separate document provided to members in folder.
 - a. Summaries of SB400, SB976 and HB1538.
 - b. Local project proposing to amend the Commonwealth Attorneys Act to require the local medical examiner/coroner to report to the AG any death resulting from police/correctional officer's use of force and extending sole jurisdiction of investigation & prosecution of such event to the AG and requiring public disclosure of a dispositional decision by the AG.
 5. Public Hearing(s)
 - a. Tarr v. Ruiz #223-15
Continued until 11/10/16, 6:00 pm, Council Chambers
Presiding panel: Dr. Guercio, Chair, Dr. Lucas-Darby, Mr. Williams
 - b. Sorock v. Gardner #70-15
Pre-hearing to convene: 12/6/16
Presiding panel: Dr. Lucas-Darby, Chair, Dr. Guercio, Mr. Waters

Respectfully submitted,



Transcribed Board Member Discussion re: 7/26/16 Chief McLay DNC Appearance Report

Mr. Williams: First I want to commend Director Pittinger for her excellent work and research on that to give us the facts on that so that we can understand it in its totality. It's not an easy thing to do with all the ambiguity and stuff. I think you did an excellent-excellent job in presenting it and arriving at a decision or your thoughts (---) as it relates to that very sensitive (---). My question that I want to raise is the - it seems to be some nuance and I know you - you said it's the spirit that versus the (---) and um some of the stuff that comes out talks about while on duty and then the "at all times" but then it's - then it's further explained in city offices and so my question to you is um it was hard for me to determine if there is a absolute infraction or violation in uniform? And I get the understanding of political activity. I mean for anyone to assume that that was not political activity it would be hard to reason that given the whole situation. But there did not seem to be just a hard rule shall not you know the officer will not or shall not in - in their capacity. So it was just hard for me to understand the use of the uniform as it's presented - some of the explanation of not furthering a cause not - not supporting a particular candidate it was just hard for me to grasp. And even the code even says - it's just kind of nuanced so I just wanted some clarity as we make it - by receiving this report is there anything more definitive that we could get to that says that this officer shall not use that uniform is my first part? My second part of the question is in your estimation - if the officer any officer would have been in their official title absent the uniform - their title or position and did the same thing but in a suit would that constitute the same level of violation or is it just the uniform...?

Ms. Pittinger: It's the uniform - it's the uniform and that's clear under the Hatch Act. The federal prohibition on engaging in partisan political activity um they're very clear about that. It was the official capacity that became the problem and it is hard to say it was not official when he appeared in uniform and he was introduced as the chief of police. In the city (---) the city it says you cannot participate on work time. It's very hard to discern an individual appearing in full uniform in his official capacity that- that is not work time. There was - there is some evidence that it was clear we underwrote some of that travel. We would not do that if it was not work time. Um there is that gap in the specificity of saying that political activity will be the following but - but you apply reasonable discernment. What is political activity, it's pretty hard to say that the Democratic National Convention is not partisan political activity. I mean I cannot - I - I - no - I can't - I can't get to it to being anything other than participating in partisan political activity. I know that the - the chief did say that he would go to the RNC if invited and similarly that would be prohibited under the federal guidelines. And the city code says that those guidelines will apply and it's appropriate and it does because we received federal money for the police department. I get - I - I was - when I was asked about it initially I did say yes he technically probably did violate some provision

of the city code but I thought the greater good was served. Now that in and of itself that – that describes the dilemma. But it's also – um contrary to the discussion about noble cause corruption. You know you're not bigger or better than the law. If it says you can't do it - you can't do it. It doesn't matter how altruistic and how well intended your action may be. And I think that's the balance and that's why when you look at the Hatch Act in particular it's on our shoulders; which is why all the discussion behind the scenes why or whether he went with the blessings of - of his superiors. All that's irrelevant it's your individual responsibility to comport yourself to the standards that apply to your status and your employment. And that's - that's a personal thing you know you can't it doesn't matter who says it's okay you have that responsibility. And in this case he - if he had appeared in a suit and happen - and happens to be the chief of police in the city of Pittsburgh that's much different than Chief Cam McLay chief of police city of Pittsburgh. So when he came out on - in uniform I was so totally flabbergasted I was so distracted. I honestly had to go back and listen to what his - his speech was. Which was very good and it did attempt to offset or to balance on behalf of law enforcement um the mothers when they – when they were there making their presentation of their loss. But he appeared in full uniform and he was clear that he was there as the chief of the Pittsburgh bureau of police and he wasn't- he was at the convention itself and all of us saw it a lot of people saw it. So it gives the appearance that the Bureau was endorsing whatever activity was going on at that moment at that time. The purpose behind the Hatch Act is to assure that the public understands they're administering law enforcement services in a non-partisan way. It's all clean it's – it's- there's not going to be any influence there - partisan influence. It also protects subordinate officers from feeling pressured that if my boss is going this way (---) it causes a pressure and a tension in the workplace that is not intended - it's not expected -it's not permissible to be there. So um no - the city code does not say you should not attend the Democratic or the Republican National Convention in uniform. No it does not -but common sense application of partisan political activity...

Mr. Williams: See one hand is handcuffed to the other for me. Its conduct of the uniform and what rules are governing that. The other handcuffing is in official capacity while on duty and the following one as it relates to misconduct regarding political activity. And if that pathway continues to handcuff itself to the – to the next thing that's where I think the explanation that you're providing gives better insight. Because if partitioned out there's certain conduct that officers are permitted to wear uniforms that don't follow. I mean they can be married in their uniforms with right permissions - put on their dress uniforms. So - but the handcuffing down the line does present somewhat of a challenge to try to understand in what capacity...

Ms. Pittinger: In 2012 they amended the Hatch Act um so that elected law enforcement officers could campaign and pursue their reelections in uniform. In our situation though the chief is an appointee – he's a political appointee. Um he is not an elected official so there is a distinction there as well. The use of the uniform (---) permitted under that guideline.

Mr. Waters: Did you determine what percentage of his salary is paid through federal funds?

Ms. Pittinger: No but it's irrelevant for determination under the Hatch Act.

Mr. Waters: I don't agree with that.

Ms. Pittinger: Well that's what the federal law is so. He is responsible for the administration of the federal funds that come into the Pittsburgh Bureau Police. That is - that's where...

Mr. Waters: I don't agree with you.

Ms. Darby: (inaudible audience member) One second please – one second. Um one other concern that is (---) factor is that the Mayor's office reviewed the invitation and gave him permission to appear so...

Ms. Pittinger: Doesn't matter. It's irrelevant. The obligation is upon him as an individual. No matter the discussion - whatever I mean even there it could be construed. Now the chief publicly stated he was not forced to do this - he was not pressured to do it - he chose to do it. But that too right there is a coercive potential that these standards attempt to avoid. So that he did not feel that he had to because his boss the mayor told him to - where he was left between a rock and a hard place so to speak. But he did say - because that was the question - was he you know pushed into doing it. He said absolutely not. He did it of his own free will - he chose to do it and nobody pressured him to do it. He was adamant. If you read the OMI report um you know that he was cleared - he was not going to endorse a candidate – he wasn't going to endorse a platform all of that. I'm not - he personally did not engage in any active politicking but that's irrelevant - it's irrelevant to the standard applied to local employees. The city code - now I know there was some discussion. I know that the Mayor wanted there to be draft of a provision to permit this kind of activity by - by employees particularly police officers. He likened it to the chief of police going to a church – if they go to a church - but that's a whole different ballgame. We're talking about the separation here in – in – in our - our system. That distinction has to remain because we are a partisan system. We have two parties - two dominant parties Republicans and Democrats and they can't - the general public not everybody is one. You know there are two different opposing political views involved. And those who are administrating the functioning of government has to be nonpartisan. The one side can never feel that the other side has a leg up or that it's going to be done the Democratic way or they'll do it the Republican

way. The administration of government cannot be that way and so those assurances are necessary and the symbolism of the uniform reflects that - that is sacred and cherished and it is nonpartisan period as an appointee. The electeds they can do their partisan thing - they can do whatever they want to do. There are some restrictions that still apply in the administration of their role but there is a distinction between the appointed and the elected and the use of the uniform and the accoutrements of the position. And that's to make those public assurances. And it's a very unpleasant and uncomfortable kind of conversation to have to have - because it suggests you know the darker side of the way we are as people - as people in the community - but that's why those things are there.

Dr. Darby: I would like to give all the board members an opportunity...

Sr. Patrice: I'd like to ask um since OMI came out and found no violation and your statement that um it's because of the wearing of the uniform in his official position - what is the result of our acceptance of this report? What would be the further - what would result from that?

Ms. Pittinger: My understanding is the Mayor has already said publicly in his opinion that the chief was appropriate - did nothing wrong and nothing further would be done. So there would not be any particular consequence to any adoption of this report unless you wanted to conduct a public hearing into it. Um because any - any other - we're not making any recommendation. But you are going on the record indicating that his - his uh conduct was - appeared to be in conflict with government standards.

Sr. Patrice: Okay thank you.

Dr. Darby: Are there any other board comments or questions?

Mr. Williams: Follow up to that um in any presentation of any facts or report that was produced and then offered over for consideration in normal processes the way we do it - it's up to supervision to make determination based on whatever's presented whether or not any resulting um - um you know discipline or retraining or whatever - we leave that to them for determining. If - if we ever felt that what we produced and then what was decided what - what is our normal what do we normally do if we don't feel like the two match well. And I ask that question first because it follows up to your statement about the decision that's made. So say an officer is found in violation we present that just like OMI does. Its fact-finding then make a determination - it's retraining or discipline or whatever and it feels like whatever was presented it didn't seem like it merits with the violation what is the board - we as a board what do we suggest? Public hearing or...?

- Ms. Pittinger:** Yes you would have too. You could not make a finding that would result in any recommendation to the officer's supervisor – in this case would be the director of public safety - without having a public hearing.
- Mr. Williams:** So that brings us back to the statement then because it's already been stated then that's...
- Dr. Guercio:** Has anyone heard from the director of public safety - of his opinion?
- Ms. Pittinger:** I believe the Mayor spoke um and made that release on - I believe it was September 2nd Dr. Guercio. It's in the back of this report...
- Dr. Guercio:** I just didn't know if there was any public statement prior to the Mayor speaking.
- Ms. Pittinger:** No – no. Just the Mayor being very clear that as far as he was concerned this was a nonissue and that he wanted Director Hissrich to um come up with (---) he wanted – he wanted some relaxation of the rules related to officers being able to engage in community activities. This is not plain ordinary normal community activity um which you know if an officer in uniform went to the 14th ward Democratic Party club meeting – Democratic club meeting would there be an issue in uniform. Yes there would be. If that officer goes to um you know the citywide public safety meeting there's no issue. If the officer goes to a church - a neighborhood church gathering party or whatever there's no issue. This is around that very delicate sensitive issue of partisan politics and - and - and they have to stay above that. And in their personal lives though there is absolutely no interference with their First Amendment rights - their engagement have an opinion - talk about it - vote - do whatever you want to do but when you when you represent your official capacity you represent the people you can't have that you can't express that. And no the chief did not express any personal opinion there. He did not come out and say vote for the Democratic nominee. He didn't do that – no he didn't. But his mere presence in a convention of individuals who were elected purely to be the Democratic delegate of that district to go to the big Democratic convention to name a nominee and to put a program on that will influence the general public's voting which influences the outcome of the measure or the name or whatever on the ballot - how can it be anything other than partisan political activity? You know and I'm not - I'm not shy when it comes to you know doing things in the - in the...
- Dr. Guercio:** And the chief knows his responsibility around that mean correct? I mean he wasn't unclear when he had that uniform. I mean there's - he wasn't confused at all and I really hear you know when you when you take an oath and when you know your parameters of your profession you know the guidelines you can't do this you can't do this - you can't do this - you can't do this... Was that unclear to the chief that...

- Dr. Darby:** I think what Ms. Pittinger is indicating is that she is interpreting the law as it is but she did not interview anyone so...
- Ms. Pittinger:** No I didn't interview anyone because it doesn't you know ignorance is no excuse either and I – I - where the Hatch Act applies. I mean I've known that for 35 years. I know where there might be limitations and I know it's my responsibility to know that. A public employee has an obligation to know that restriction is there.
- Dr. Guercio:** I guess that's what I was asking.
- Ms. Pittinger:** He says in the OMI report which is attached to ours you know for reference and he was cleared publicly that and even in his letter to me that we interpret these standards differently. He - he professes that when he went to Philadelphia he was engaged in conversation with people that were trying to scrub his speech so that it would come out looking to be more supportive of the platform of the candidates but he was adamant that if anything came close to saying or sounding like he was endorsing a candidate or espousing a particular plank on a platform he wasn't going to do it. And allegedly right up to the last minute he was maintaining that position -he wasn't going to do it he would walk away he wouldn't do it at all. That's admirable - that's good - that's right - that's the right thing and - and if he had maintained that and appeared in a suit maybe you know – if he was in a suit this would've not even become an issue. Because I think probably everybody would've just missed the part that this is a private citizen (---) I mean a big difference there. But he went there to that podium fully representing the Pittsburgh Bureau of Police and the city of Pittsburgh which for most of the people in the city of Pittsburgh that was a moment of pride. But the technical propriety of it wasn't – was not there.
- Mr. Waters:** I think one further dilemma I find myself in is that we have a process as a board for investigations and our work. And so when the chief of police asked the CPRB to review this it would seem reasonable that this would've moved through our normal process which would have been an investigation. Uh we would have determined if it needed a 30 day extension and all of those steps and then we would've made a decision based upon the data provided to us. I mean that isn't what happened. What happened was you wrote a wonderfully detailed report and submitted it to uh the city prior to actually emailing it to us and so we're a little bit operating out of our normal process which places us at a disadvantage. Um and that's why I think we're left not being quite sure of our vote or what – what we're doing with it. Uh if - if it had come through its normal process we would better understand the ramifications of our - of our vote now.
- Mr. Williams:** I'd like to add that per the investigative process it wasn't an allegation of somebody wearing a uniform. I mean the facts are as they are - the tape doesn't lie. So you have

- here's a violation it's very apparent - so the interviewing part is - is a non-issue for - for me. We have conduct or behavior that - that occurred and its - the facts are as they are. But to um - um Thomas's point - to Mr. Waters point that in processing that and that's where I'm wrestling with not even of how - but what's the - the next step even if accepting it - which I think you spotlighted something that's for the greater good even moving forward. It has some determination moving forward. Just where do we go with the next step even receiving the report - actions to be taken because there's already been a determination as to what the results going to be. And we're spending the time on this subject because I think it's important because it highlights - it spotlights an important issue moving forward for any conduct of any officer moving forward. And I know this board has a responsibility to make sure that it's fair and unbiased and equitable investigations into or at least researching those complaints no matter where they come from. And I think that's the part that's done well but the next step is we've already marched down the journey of the pathway already. So you know just determine where we're going to go from here will be helpful for me and even accepting and moving forward with the report as its presented.

Dr. Darby: And I think that's a fair question you know what is the next step in regards to this report that is (---) facing us right now with some action - because we have a motion on the floor - and we'll take another comment.

Ms. McClellan: I believe that by us accepting this report what we are doing is um expressing the fact that we disagree with the findings uh - by OMI. They've already said that nothing will be done that there will be no follow-up. But we cannot let the fact that we disagree fall into the mire of getting caught up in that politics. We can't let the city sweep it under the rug without us saying something about disagreeing. So I do believe that we need to accept the report knowing that it's not going to create waves within the city but a dissenting opinion must be out there and must be available.

Sol. Collura: I'm checking your procedures for you just to (I'm sorry) I'm checking your procedures to give you a procedural insight. (Ok) Just trying to get on the network so...

Dr. Darby: Uh any other comments?

Dr. Guercio: Yes I think that to your point we usually do an investigation because it's unclear what the impropriety might have been. Here it was - everybody saw it - it wasn't really oh did he really go in uniform was there really a uniform. He walked on stage so I think to do an investigation of an interview when you would ask him - were you on stage. Well close to 9 million people saw it that day. So I don't know to say that we can't move forward because we didn't do it the way we normally do an investigation - we do those investigations to fact-find. The facts were - anybody who watched it saw the facts. So

that I think (---) we didn't do it the way we normally do it. We do those investigations to fact find – the facts were – anybody that watched it saw the facts. So that I think we don't have to worry about because we saw it. So but you know I would like to know - I think I agree that we can't say well we condone it when it's clearly in violation of the Hatch law. If it was anybody else we would be saying the same thing - unfortunately this is the Chief of police and the Mayor has already said he's not going to do anything. But that - two wrongs don't make it right.

Mr. Williams: Given the facts that were known to us at the time after the –the occurrence and as they were known to us we had not had clear proof or any firm foundation of whether or not a violation had occurred. That's the work that – that Director Pittinger did for us to say okay - because if we would have went on that alone that's the investigation – not to prove or disprove whether or not the activity occurred but is there a violation – for which she so appropriately presented. And the acceptance of this in my eyes - going to what Karen was saying - is do we believe - are we accepting the fact that by this presentation and by its explanation that there is per the Hatch Act or the city code that a violation had occurred. And – and if we're going to accept that (---) that's why I asked the question about okay – there's a determination already made as to what's going - the result of that's going to be. But we need to be firm on if we're going to accept this. Because it sets precedence as well for people that think when this board gets the information do we fully move through the process in a way that gives credibility to what we do. And – and do we have the faith and belief that what was presented rises to a level on any question absent that or any question to that- then that would be the determination of the board in saying accepting this we don't agree with the contents of the report. But if we're saying yeah we're accepting the report – we do believe the contents of the report --- suggested that a violation occurred as you were presented.

Dr. Guercio: (---) the Hatch Law and these were the findings of that.

Dr. Darby: Attorney have you...?

Sol. Collura: There's a special provision for Executive Director Inquiries...

Ms. Pittinger: You would not be permitted to make a recommendation on an individual complaint without conducting a public hearing. So do we book this as a complaint filed by the chief against himself? Or is this a request for your opinion as to the propriety of his actions in that event? (---) from his letter, "While I interpreted the code differently, I strongly believe I must be accountable to all relevant laws and city policies (---) I am requesting the Independent Citizen Police Review Board (---) I will share with you the contact information for all I will - ask that she send it directly to the director of public safety and gladly accept the outcome of this investigation." Um...

Ms. McLellan: Well that's pretty much a moot point when the city has come out and said that there will be no repercussions from this. I do believe that we still have to express our opinion that we dissent.

Ms. Pittinger: If you wanted to pursue a recommendation to it then you have to have a public hearing which is why there was no such thing in here and why the caveat was attached to it - that this - any further action --- would be upon your receipt...

Sol. Collura: Technically – ok under §662.05 - Upon a motion receiving a vote of a quorum 1) The Review Board may initiate investigations of incidents of Police Misconduct for which no citizen complaint has been filed or 2) The Review Board may initiate studies investigations hold public hearings and make recommendations on policy matters including improvement of the relationship between the police and the community police hiring training and discipline. Um so you are able – I mean technically there has been no citizen complaint for this. You may initiate an investigation (---) the executive director has done an investigation – you agree to initiate an investigation which could adopt her report (---) investigation (---) you can request an additional investigation or you can hold a public hearing. Um the other component is - I think it certainly fits into the relationship between the police and the community and also police training and hiring and discipline um - you could upon a vote of a quorum basically accept the report or not accept the report or you know order an additional study be done basically on this matter under that second subsection. So your options really here are - do you want to investigate further - do you want to accept the report or do you want to reject the report. Those are all options that are I think technically available to you under the way that §662.05 is done. You don't necessarily have to hold a public hearing in order to accept or reject the report - you have the option to do so if you so wish. So you can discuss it um and I think also technically um because there is not a citizen complaint that has been filed you would need to if you wanted to do a public hearing or pursue the complaint investigation process you'd have to have a motion to do that.

Dr. Darby: Well since we have a motion on the floor to accept (to accept) the report at this point um we'll have to vote it up or down and then get another motion if we wanted further investigation.

Sol. Collura: That's correct so you can have discussion – you can still continue discussion about whether you want to vote it up or down...

Dr. Darby: (---) vote it up or down for now...

Ms. Williams: So can we by accepting the report can – not just speaking for me - it's not a matter on having the Mayor rescind his decision on whether or not he disciplines. But it does give

high priority for clarity about moving forward so is the recommendation based off of what we know now - can we provide some better insight that we can then change or direct in a way that this doesn't occur again by recommendation. Because it was clarifying - because it was ambiguous it was you know it was (---) but can we now say based off accepting this report knowing that we believe the violation occurred and make a recommendation for some sort of change so that doesn't happen again.

Sol. Collura: As an advisory board you're not able to direct the Mayor to do anything. What you would – what you could do is you wouldn't be able to accept the report as written and in order to add on recommendations you basically would have to reject the report as written and you know vote to modify it or add on additional recommendations (---). You as an advisory board certainly have the power to make recommendations. That's what you're here for and so if that is something you would like to do that's another option out there. But procedurally you would have to change what's in front of you.

Mr. Waters: Well it is also very true that once - once we act upon it and it becomes - it - itself becomes in the public domain it will have an impact. It isn't like what - what the important work in it and it's will be for not. So I think we can take comfort in knowing that much like any other report the fact that it's been generated and it becomes part of the public domain it will allow the contents to have an effect.

Ms. McLellan: I agree with you Tom. Because I believe that if we reject the report this evening and moved to do further investigation so that we make recommendations I think it's a waste of valuable resources. Because we already know that there are no other steps that are going to be taken. But as we accept the report tonight it will go a long way to expressing our independence with the community. That we are just not falling in line with what the city says. For the most part the evidence is obvious. There was no question about what behavior was done or not done there's no question about that. And we disagree with OMI's findings and I think we need to make sure that that is made aware publicly.

Dr. Darby: I want clarification on our procedure - if we modify the motion so that the motion includes that in whatever documents we put out in the public the recommendations will be included – is that possible?

Sol. Collura: You have to amend...

Dr. Darby: Amend the motion (---) and then put the motion back...

Sol. Collura: Yes so you'd have to do that – I think procedurally you'd go that way instead of just voting down...

Dr. Darby: Right - right...

Mr. Waters: I thought we had to have a public hearing for recommendations (---) so that's not the case?

Sol. Collura: That is not the case - under §662.05 upon receiving a vote of a quorum the Review Board may initiate studies investigations hold public hearings and make recommendations so you could do any of those.

Mr. Waters: Ok gotcha - gotcha ok.

Dr. Darby: So I guess I need clarification if you want to move forward with the motion as it is or if someone wants to amend the motion. And the motion on the floor is to accept the report as written.

Mr. Williams: If there is no more discussion before I make the amendment...

Dr. Darby: I'm calling for an amendment.

Mr. Williams: I'm recommending that the amendment (---) you to call for it...

Dr. Darby: Ok to call for an amendment to the motion?

Ms. McClellan: But that was the motion on the floor to accept the report so we would have to vote to accept or not accept and then create another motion.

Dr. Darby: That's what I was asking you – can we amend a motion... (Inaudible discussion)

Sol. Collura: The way you amend a motion is by making a motion to amend.

Dr. Darby: And it was your motion so do you wish to amend your motion?

Sr. Patrice: Yes I'm willing to do that - that the report will include a recommendation from this group would that satisfy (---) we haven't worded the addition that we wish to make to the report?

Dr. Darby: I think we need clarification on what the recommendation is that we want?

Mr. Waters: Right now we need a second...

Sol. Collura: Well you can – no you can - what you can do is - you can on - you can move to make a recommendation but you don't in the motion have to specify what the recommendation is. Now one implication is though that I think that's going to tie up your release of the report. So what you could do if you wish but you release the report

but you can also do a separate motion to make recommendations about the implementation of the findings of the report.

Mr. Williams: So for clarity did we make a motion to receive the report or do we...

Dr. Darby: That was the first motion – the first motion was to accept the report...

Mr. Williams: To receive it...

Dr. Darby: To accept the report - that was the first motion and we haven't seconded the other motion that was just made.

Mr. Williams: So I'm unclear of - if we're receiving the report for discussion versus accepting the findings of the...

Mr. Waters: (---) our motion was to accept the report.

Dr. Darby: The report in its entirety - that was the first motion.

Mr. Williams: Per my question then - that motion can be rescinded because if we're just receiving it and then making an amendment to -we're receiving it for discussion versus accepting it as it is - then we don't have to make these additional - we receive the report have discussion on it – we can rescind the motion to accept as its written and make the recommendation after receiving it. We receive the report have discussion make a recommendation and then accept that in totality.

Dr. Darby: Okay so we'll do the first motion.

Mr. Williams: If we accept it we're accepting it as it is.

Sol. Collura: Procedurally I think it might make sense if Sr. Hughes withdraws her amendment (Ok) and let's do I think it may be useful to do an informal poll in terms of who is in favor ultimately of adding recommendations or issuing recommendations - is this something the board is generally wanting to?

Dr. Darby: Why don't we do the motion?

Sol. Collura: Ok. First of all you can just - Sr. Hughes can withdraw her motion for an amendment– you can do the up or down vote on accepting the report and just do a second motion to issue recommendations. And the recommendations will be worked through – hammered out. And then the recommendations will be issued at the next meeting.

Dr. Darby: Okay - okay. That seems clearer. So could you please withdraw your second motion?

Sr. Patrice: So we're still with the original motion?

Dr. Darby: Right so just withdraw your second motion. Your amended motion...

Sol. Collura: Just withdraw your amendment...

Dr. Darby: The one with the recommendation could you withdraw that?

Mr. Green: Take back what you just said.

Sr. Patrice: I move...

Dr. Darby: No – no – no. I withdraw...

Sr. Patrice: I withdraw my motion.

Dr. Darby: You're amended motion.

Sr. Patrice: My amended motion.

Dr. Darby: Ok so now we're back to the motion to accept the report as presented tonight. So the motion on the floor is to accept the report as written tonight ok? All in favor aye? (5 ayes) Opposed (Mr. Waters); abstentions (Mr. Williams). The ayes have it the motion carries. Now we need a motion to make recommendations to implement what we have found to be a violation in this report. Ok so may I have a motion to that affect?

Sr. Patrice: I have a question (---) that we make recommendations when the report is released is my understanding but are we going to form those recommendations tonight?

Dr. Darby: No we can't. They're putting us out of the building now. We don't have time.

Sr. Patrice: I move that we draft recommendations and have them approved by this board before the release of the report to the public.

Dr. Darby: Well that's a little different...

Sol. Collura: Well that's the motion...

Dr. Darby: Ok second? May I have a second to the motion? If there is no second the motion dies.

Sol. Collura: The motion dies - you can do a different motion.

Dr. Darby: Is there a motion that anyone would like to make regarding the recommendations to the report?

Sol. Collura: You can - if anyone wishes you can make a motion to make recommendations following up on the report but also you can release the report now – it will be separate from the report.

Dr. Darby: That was the only thing that you said before the report is released in your motion...

Mr. Green: I have a question for my colleagues. Are there any specific recommendations that people want to make?

Dr. Darby: I think we heard some tonight.

Mr. Williams: The vote of making the recommendations is to give some teeth to the findings (---) from the findings that were presented to us because it's not only (---) it's highlighted some aspects that weren't known to many people previously. So my suggestion on a recommendation to them is to accept the report make a recommendation that so that further conduct doesn't continue based off what's known.

Sol. Collura: Past recommendations that this board has made have been things like um proposed revisions to bureau of police policy to clarify things where the board has identified policies that might've been unclear or certain provisions of the policy – some policies conflict with other policies. None of these things are binding on the chief of police or on the Mayor or anybody like that – but it gives the um it gives the bureau of police a better understanding of the mechanism on how to possibly resolve the problem here. So likely what I would envision your recommendations would be - might be some sort of (---) to clarify policy or something like that.

Dr. Darby: Is there a motion regarding the recommendations? If not...

Mr. Green: You're looking for a motion that we make recommendations not...

Dr. Darby: Right exactly...

Mr. Williams: So ok.

Dr. Darby: So is a motion that we follow up the report with recommendations regarding possibly looking at some of policies that exist for further clarification?

Sol Collura: I think you may get too much into substance there. Basically for what you are talking about doing – the only motion that you need to have is someone move that the Board develop and consider recommendations following up on this report. That's all it needs to be because all the rest of that is hammer – hammered out afterwards and ultimately whatever recommendations you draft will be the subject of a future meeting decision about what you release and how you release it.

Dr. Darby: Is there a motion?

Mr. Williams: I'd like to make a motion that we direct the executive director to have a conversation with the Mayor and Council about the clarification of the definitions of the codes that are specified in the report.

Mr. Waters: I second that.

Mr. Williams: Regarding political activity.

Dr. Darby: It has been moved and properly seconded. All right are we all clear on the motion now? All in favor aye (7 ayes) opposed - abstentions. The ayes have it the motion carries.