



## CITIZEN POLICE REVIEW BOARD

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Approved  
3/27/18

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**Minutes of CPRB Meeting Held on February 27, 2018 (Mtg. No. 203)**  
**City Council Chambers**  
**414 Grant Street**  
**Pittsburgh, PA 15219**  
**Neighborhood: Citywide**

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<b>Members Present:</b>	Dr. Emma Lucas-Darby Mr. Thomas C. Waters, Vice Chair Mr. Elwin Green Dr. Mary Jo Guercio Sr. Patrice Hughes, SC Ms. Karen McLellan Mr. Sheldon Williams	<b>Excused:</b>	None
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<b>Absent:</b>	None
<b>Vacancies:</b>	None

<b>Staff Present:</b>	Ms. Elizabeth C. Pittinger, Executive Director Ms. Carolyn L. Gaskin, Assistant Executive Director Ms. Sherri Bridgett, Investigator Ms. Michelle Gamble, Investigator	<b>Excused:</b>	Mr. Michael Ayoob, Intake Coordinator
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### **Administrative Matters:**

Dr. Darby called the meeting to order at 6:10 PM.

A motion to approve the 1/23/18 board minutes was offered by Mr. Williams, seconded by Ms. McLellan and approved unanimously.

### **Executive Director's Report:**

- Ms. Pittinger reported on a 2/11/18 PBP Officer Involved Shooting (OIS) that occurred in the Homewood neighborhood and resulted in the death of Mr. Mark Daniels. The Allegheny County Police are conducting an investigation into the incident; results will be submitted to the District Attorney for assessment of any criminal culpability of the officers. Until then, and as with all criminal inquiries, the CPRB must refrain from investigating the incident but will continue to monitor any activity. On 02/15/18, Ms. Pittinger attended a community meeting at the Kingsley Association, convened by Zone 5 Commander Jason Lando. The purpose of the meeting was to vet concerns and correct misinformation. On 02/16/18, Community Empowerment Association President & CEO Rashad Byrdsong hosted a press conference seeking release of timely and accurate investigative information, including identity of the officer. Several people attended the press conference, including family and friends of Mr. Daniels, community leaders, and ACLU representatives.

- Ms. Pittinger stated that PBP Officer Souroth Chatterji filed a federal whistleblower lawsuit against the City of Pittsburgh and Linda Rosato-Barone who is an Assistant Chief of Police and Assistant Director of Public Safety. Officer Chatterji's complaint alleges retaliation, harassment and denial of promotion for investigating the relationship between software vendor, B-III Solutions, and the city of Pittsburgh, Bureau of Police and Ms. Barone; a response to the complaint is due by 3/13/18.
- Ms. Pittinger stated that the on 1/26/18, the Attorney General charged retired PBP Homicide Detective Margaret Sherwood with false swearing, unsworn falsification, tampering with evidence, obstruction, hindering apprehension and false imprisonment; the charges stem from her involvement in two separate homicide cases.
- Ms. Pittinger stated that the Findings and Recommendations of the public hearing into CPRB Case #70-15 (Sorock V. Gardner) were conveyed to the Chief and Mayor on 12/8/17 with an initial response due on 1/26/18. The Commander of the Administrative Branch learned and informed Ms. Pittinger that the Assistant Chief tasked with preparing the Chief's response did not do so before retiring. The CPRB Hearing Panel authorized an extension until 2/26/18.
- On 1/25/18, Ms. Pittinger participated in PCTV-21 televised panel discussion on "Diversity & Civil Rights" hosted by Mr. Ralph Watson of Classis Events.
- On 2/21/18, Ms. Pittinger and Ms. Gaskin participated in an 8<sup>th</sup> grade student project at Winchester-Thurston. The students were fully prepared with questions surrounding the topic of police brutality.

### **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. Mr. Mark Ozark offered comment.

### **Next Meeting**

Dr. Darby announced that the next monthly board meeting is scheduled for 6:00 p.m., Tuesday, March 27, 2018, located at the PERSAD Center, 5301 Butler Street, #100, Pittsburgh, PA 15201.

*A motion to adjourn the meeting was offered by Ms. McLellan seconded by Sr. Patrice, and approved unanimously.*

The meeting adjourned at 7:00 PM.

Respectfully submitted,

Carolyn L. Gaskin  
Assistant Executive Director

Attachments (2):

1. 2/28/18 Case Agenda
2. 2/28/18 Executive Director Report

*Video recording of this meeting is not available.*

*Minutes/Notes of the Independent CPRB meetings and public documents are available at [www.cprbpgh.org](http://www.cprbpgh.org).*

## CPRB CASE REVIEW AGENDA

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
<b>PUBLIC HEARING (0)</b>				
<b>FULL INVESTIGATION (4)</b>				
06-18-P/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13) Truthfulness (PBP 16-1, 3.19) Reports (PBP 40-19, 5.1)	Cx. alleges that the S.O. neglected to file a police report.	AUTHORIZED FULL INVESTIGATION  GREEN/McLELLAN 7-0	Preliminary evidence suggests more investigation time is needed.
08-18-P/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. falsely accused her of committing a traffic violation.	AUTHORIZED FULL INVESTIGATION  GREEN/McLELLAN 7-0	Preliminary evidence suggests more investigation time is needed.
20-18/BRIDGETT	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 falsely arrested and charged the Victim.	AUTHORIZED FULL INVESTIGATION  GREEN/McLELLAN 7-0	Preliminary evidence suggests more investigation time is needed.
163-17/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13) Truthfulness (PBP 16-1, 3.19)	Cx. alleges the S.O. filed an inaccurate police report.	AUTHORIZED FULL INVESTIGATION  GREEN/McLELLAN 7-0	Preliminary evidence suggests more investigation time is needed.
<b>30 DAY EXTENSION OF FULL INVESTIGATION (9)</b>				
02-18-P/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O. acted inappropriately during the traffic encounter.	AUTHORIZED 30 DAY EXTENSION  GUERCIO/WILLIAMS 7-0	Investigator is awaiting S.O. reply and statements.

<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>SUMMARY</b>	<b>RECOMMENDATION</b>	<b>RATIONALE</b>
132-17/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Towing and Tow Pound Procedures (PBP 41- 4, 1.1)	Cx. alleges the S.O. illegally towed a vehicle from his yard.	AUTHORIZED 30 DAY EXTENSION  GUERCIO/WILLIAMS 7-0	Investigator is awaiting a reply from the Cx. and S.O.
193-17/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;4) Reports (PBP 40-19, (5.1) Warrantless Search & Seizure (PBP 45-2, 5.1)	Cx. alleges the S.O.s have acted improperly during 3 separate encounters.	AUTHORIZED 30 DAY EXTENSION  GUERCIO/WILLIAMS 7-0	Investigator is awaiting S.O. statements.
282-17/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect of Duty (PBP 16-1, 3.13;4) Reports (PBP 40-19, (5.1)	Cx. alleges the S.O. failed to file a police report.	AUTHORIZED 30 DAY EXTENSION  GUERCIO/WILLIAMS 7-0	Witness #2 needs to be interviewed.
287-17/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. acted inappropriately towards her and the Victim.	AUTHORIZED 30 DAY EXTENSION  GUERCIO/WILLIAMS 7-0	Investigator is awaiting S.O. statements.
288-17/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O.s acted inappropriately while serving a warrant.	AUTHORIZED 30 DAY EXTENSION  GUERCIO/WILLIAMS 7-0	Investigator needs to determine whether more Subject Officers were involved.
292-17/BRIDGETT	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;4)	Cx. alleges that the S.O. failed to criminally charge the Actors.	AUTHORIZED 30 DAY EXTENSION  GUERCIO/WILLIAMS 7-0	Witnesses need to be contacted and interviewed.

<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>SUMMARY</b>	<b>RECOMMENDATION</b>	<b>RATIONALE</b>
300-17/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Towing Procedures – Reasons for Towing (PBP 41-4.01, 8.0)	Cx. alleges the S.O. would not permit him to tow a vehicle, even though the driver requested his services.	AUTHORIZED 30 DAY EXTENSION  GUERCIO/WILLIAMS 7-0	Investigator is awaiting S.O. statements.
315-17/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O.s acted inappropriately during the encounter.	AUTHORIZED 30 DAY EXTENSION  GUERCIO/WILLIAMS 7-0	The S.O.s need to be identified.
<b>UNSUSTAINABLE (1)</b>				
235-17/BRIDGETT	Use of Force (PBP 12-6, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O. used unnecessary force during the encounter.	DISMISSED AS UNSUSTAINABLE  HUGHES/McLELLAN 7-0	Investigator cannot prove or disprove the Cx.'s allegations.
<b>UNFOUNDED (1)</b>				
99-17/BRIDGETT	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. was discourteous during the encounter.	DISMISSED AS UNFOUNDED  McLELLAN/HUGHES 7-0	The evidence does not support the Cx.'s allegations.
<b>SUSPENSIONS (6)</b>				
38-17/GAMBLE	Use of Force (PBP 12-6, 3.1) TASER (PBP 12-13, 5.3) 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 on the Victim during the arrest.	AUTHORIZED SUSPENSION  UNTIL THE MARCH MEETING  GREEN/WILLIAMS 7-0	Investigator is awaiting S.O. statements.

<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>SUMMARY</b>	<b>RECOMMENDATION</b>	<b>RATIONALE</b>
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 MARCH MEETING  GREEN/WILLIAMS 7-0	Investigator will attempt to attend the Cx.'s rescheduled court hearing.
120-17-ED/GAMBLE	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Use of Force (PBP 16-1, 3.1)	Executive Director opened an inquiry into the alleged incident that occurred on 5/7/17 on the South Side.	AUTHORIZED SUSPENSION  UNTIL THE MARCH MEETING  GREEN/WILLIAMS 7-0	Investigator is awaiting the outcome of the DA's investigation.
173-17/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. threatened to arrest him without probable cause.	AUTHORIZED SUSPENSION  UNTIL THE MARCH MEETING  GREEN/WILLIAMS 7-0	Investigator is awaiting PBP documents.
248-17-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 the alleged incident that occurred on 9/19/17, at outside the PPG Paints Arena.	AUTHORIZED SUSPENSION  UNTIL THE MARCH MEETING  GREEN/WILLIAMS 7-0	Investigator is awaiting the outcome of the DA's investigation.
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 MARCH MEETING GREEN/WILLIAMS 7-0	Pending a response from the Victim's attorney.
<b>OTHER (0)</b>				

## MEMORANDUM

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

**From:** Elizabeth C. Pittinger  
Executive Director

**Date:** February 26, 2018

**Re:** Executive Director's Report: 02/27/18

Suite 400  
816 Fifth Avenue  
Pittsburgh PA 15219

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Intake summary as of 02/26/18:

Citizen Complaints:	11	Pending Citizen Action	30	EDI: 0	Total Intake:	42
Out of Jurisdiction:	0	Statute of Limitation:	0	General Service:	1	
(Actual Totals for 2017:	CC: 39;	PCA: 198; OJ: 41;	SL: 05	EDI: 07	Total:	315)
(Actual Totals for 2016:	CC: 34;	PCA: 150; OJ: 23;	SL: 04	EDI: 08	Total:	219)
(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. Officer Involved Shooting (OIS)

- a. According to the initial timeline of the incident issued by Allegheny Co. Police, at approximately 1:11 a.m. on Sunday morning, 2/11/18, Mr. Mark Daniels was observed by two PBP police officers to exit Betts Market at 800 Brushton Ave. The PBP officers were walking on Neuman Way, an alley to the west and running parallel to Brushton. Mr. Daniels and the officers proceeded to walk their respective southerly courses toward Bennett Street which runs East-West. There is no known contact between the police unit & Mr. Daniels until shots were fired near the intersection of Neuman Way and Bennett Street.
- b. The PBP reported that upon approach of the officers on Neuman Way to Bennett St., Mr. Daniels came from the corner of Bennett and fired upon the officers. One officer returned fire and the officers pursued Mr. Daniels. It's reported that a second shot was fired by the same officer in the course of the foot pursuit. Mr. Daniels entered a



poorly lit area and the pursuing officers lost sight of him. Mr. Daniels was located in the back of a residence bleeding profusely and upon discovery reports state that immediate medical assistance (including CPR) was rendered and maintained until medics arrived. Mr. Daniels was transferred to a hospital where he died. The Medical Examiner attributed Mr. Daniels death to a gunshot wound to the left shoulder that severed an artery.

- c. Allegheny County Police are conducting the investigation into this OIS. Since 1996 the PBP has been required to ask an outside police agency to investigate any OIS involving Pittsburgh police. The protocol in the City Code allowed the option of asking the Allegheny County Police or the PA State Police to conduct such investigations. In 2017 the City & County formalized a protocol that appoints Allegheny County Police as the official police agency designated to conduct investigations of any OIS involving PBP officers.
- d. The report compiled by the Allegheny County Police will be turned over to the District Attorney for assessment of any criminal culpability residing with the PBP officers. Until the criminal inquiry is concluded, the CPRB must refrain from actively investigating the incident (§662.05(g)).
- e. On 2/15/18 a community meeting was convened by Zone 5 Commander Jason Lando to vet concerns and correct misinformation about the incident. A large crowd attended and PBP supervisors were also available to respond to questions. The meeting was high in tension and suspicion of the officers' actions that resulted in the death of Mr. Daniels. Cmdr. Lando emphasized his belief that absent provocation Mr. Daniels fired upon the officers barely missing one officer's head with three discharged rounds. The community group remained skeptical that the police officers didn't somehow antagonize Mr. Daniels and that Mr. Daniels would simply turn and shot at police officers.
- f. On Friday, 2/16/18, a press conference was hosted by Rashad Byrdsong at Community Empowerment Associates. Family and friends of Mr. Daniels implored the City and Bureau of Police to reveal the name of the officers involved, most particularly the name of the officer who fired at Mr. Daniels. Representatives of the ACLU echoed that plea and suggested that the responsible officer may be known from other OIS incidents.
- g. On 2/20/18 the Post-Gazette identified the shooting officer as Gino Macioce. The story summarizes the Officer's involvement in other OIS incidents. PO Macioce has been a PBP officer since August, 2012 and he is a Field Training Officer.  
(<http://www.post-gazette.com/local/city/2018/02/20/Pittsburgh-Police-officer-three-shooting-10-months-Gino-Macioce-Mark-Daniels/stories/201802200167>)
- h. We will keep the Board informed of major developments in this case.

2. Whistleblower Lawsuit Filed

- a. PBP Officer Souroth Chatterji filed a federal lawsuit against the City of Pittsburgh and Linda Rosato-Barone who is an Assist. Chief of Police and Assist. Director of Public Safety. The complaint alleges retaliation against Mr. Chatterji for investigating the relationship between a software vendor, B-III Solutions, and the City of Pittsburgh, Bureau of Police and Ms. Barone. (Public Source has reported extensively on the details in several articles available at: <https://www.publicsource.org/lawsuit-pittsburgh-police-officer-faced-retaliation-from-public-safety-official-for-scrutinizing-software-projects/>)
- b. Mr. Chatterji describes retaliatory and harassing acts such as the opening of a spurious OMI complaint against him, racial epithets directed at his Indian heritage, denial of promotion and harassment. The respondents' answer to the complaint is due by 3/13/18.
- c. A summary will be distributed to Board members after the filing of the respondents' answer to the complaint.

3. Retired Homicide Detective Charged

- a. On 1/26/18 the Attorney General charged Ms. Margaret "Peggy" Sherwood with false swearing, unsworn falsification, tampering with evidence, obstruction, hindering apprehension and false imprisonment. Ms. Sherwood was a Pittsburgh police officer for 27 years.
- b. We have one case in which it is alleged that Ms. Sherwood falsified information in a homicide case. Due to Ms. Sherwood's retirement in June 2017 from the PBP the case was out of jurisdiction.

4. Sorock v. Gardner

- a. Findings & Recommendations were sent to the Chief of Police and the Mayor on 12/8/17. Their response was due by 1/26/18.
- b. The Assistant Chief tasked with preparing the Chief's response did not do so prior to retiring. This was discovered on 1/31/18. The Commander of the Administrative Branch notified Pittinger of the discovery. The Hearing Panel was informed and an extension until 2/26/18 was authorized by the Panel.

5. Miscellaneous

- a. 1/25/18: Participated in televised discussion "Diversity & Civil Rights" hosted by Mr. Ralph Watson on PCTV-21.
- b. 2/15/18: Attended community meeting related to OIS incident on 2/11/18.
- c. 1/25/18-2/16/18: numerous media interviews related to Sherwood, Chatterji, OIS.
- d. 2/21/18: Wnchester-Thurston, 8<sup>th</sup> grade student project, attended with Ms. Gaskin.

Respectfully submitted,

