



Final
7/23/19

INDEPENDENT CITIZEN POLICE REVIEW BOARD

816 Fifth Avenue, Suite 400

Pittsburgh PA 15219

412-765-8023 Telephone – 412-765-8059 Facsimile

cprb@pittsburghpa.gov

Minutes of the Regular CPRB Meeting Held on June 25, 2019 (Mtg. No. 216)

Carnegie Library of Pittsburgh-Carrick

1811 Brownsville Road

Pittsburgh, PA 15210

Neighborhood: Citywide

Video of the meeting: <https://cprbpg.org/2509>

<p>Members Present:</p> <p>Dr. Emma Lucas-Darby Mr. Thomas C. Waters Assistant Chair Dr. Mary Jo Guercio Ms. Karen McLellan Mr. Elwin Green</p> <p>Solicitor William F. Ward</p> <p>Staff Present:</p> <p>Ms. Elizabeth C. Pittinger, Exec. Director Ms. Stephanie Dorman, Asst. Exec. Director Ms. Sherri Bridgett, Investigator Ms. Michelle Gamble, Investigator</p>	<p>Excused:</p> <p>Mr. Sheldon Williams Sr. Patrice Hughes</p> <p>Vacancy: None</p> <p>Excused staff:</p>
---	---

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

Dr. Darby recognized the members present and the excused members, Sister Patrice & Mr. Williams.

Dr. Darby called for a motion to approve the minutes of the regular Board meeting conducted on April 23, 2019. A motion to approve the 6/25/19 meeting minutes was offered by Ms. McLellan, seconded by Dr. Guercio and approved unanimously.

The entire meeting may be viewed here: [Independent CPRB Meeting 6/25/19](#)

Opening remarks by Chair

There were no opening remarks presented by Dr. Darby

Executive Director's Report

The Executive Director provided an oral report and distributed the written report to all Members. The report is also attached to these minutes.

Ms. Pittinger provided a status update on the following terms and appointment process:

(1) Board Terms & Appointments

Seat #1 City Council Appointment: Mr. Thomas C. Waters
Term: 11/01/15 expiring on 10/31/2019

Seat #3 City Council Appointment: Mr. Elwin Green
Term: 11/01/15 expiring on 10/31/2019

Seat #6 Mayoral Appointment: Dr. Emma Lucas-Darby
Term: 11/01/15 expiring on 10/31/2019

Seat #7 Mayoral Appointment: Mr. Sheldon Williams
A Law Enforcement Professional Seat
Term: 11/01/15 expiring on 10/31/2019

Council Resolution to be sent to the Mayor conveying 3 nominees for appointment to each of the expiring seat(s) §662.04(e)(3) (i): August 2, 2019
Mayor must return nominees to Council §662.04(e)(4): September 1, 2019

(2) Kopy's Bar Incident Update

- (a) The four officers have been on paid administrative leave since October.
- (b) The four members of the Pagans Motorcycle Club involved in the bar brawl have filed civil suits against the officers & the City.
- (c) No criminal charges have been filed against any officers.
- (d) A WPXI report on 6/24/19 related that the City was investigating other undercover operations that raised similar concerns regarding accountability of the public resources & the conduct of Narcotics & Vice Detectives. Specifically, the report alleged that \$2800 was spent over two nights at a strip club by PBP officers engaged in an undercover operation.
- (e) PBP Order 17-10, Drug & Alcohol Policy, 3.0 GENERAL RULES 3.1 The use of illegal drugs, synthetic drugs or non-prescribed controlled substances, the abuse of legally prescribed drugs and/or controlled substances by a member of the Pittsburgh Bureau of Police are strictly prohibited. In addition, members are prohibited from being under the influence of any alcohol whatsoever while on duty.

This Order does not include any permissive exception or reference to any other policy that applies to undercover operations or other detail that would address consumption of alcohol or other intoxicant. General standards of conduct also prohibit consumption of alcohol while on duty.

It has been reported that there is a draft form of a policy that deals with undercover operations and specifically the consumption of alcohol in the course of those operations. It has been explained to CPRB that the surveillance/undercover details have a unique operational plan that addresses specifics of the detail. Within the plan, details of alcohol consumption, location and target, the officers assigned are briefed on that and those details form the "rules" for the operation.

The City has paid bar tabs along the way but it is unsure if that is the usual “buy” money officers carry or if there is some other fund or imprest system that funds undercover operations.

Mr. Waters says it is not enough that we find out about a policy directly before it is put into place. The community wants to understand the working of our police department. Mr. Waters asked that we have a public hearing to specifically look at undercover police activity and issues like “buy” money. Ms. McLellan would like more facts before we go into a public hearing so as to be better prepared. Pittinger offered to prepare a pre-hearing briefing on contemporary best practices for undercover law enforcement operations.

Mr. Waters moved to conduct a public hearing to examine policies and procedures guiding undercover operations in the City. The motion was seconded by Mr. Green and passed unanimously.

Pittinger reported on a recent project sponsored by The Atlantic Live:

- 6/13/19: In Partnership with the MacArthur Foundation, Atlantic Live sponsored a dinner conversation among several community representatives. The discussion was facilitated by Ron Brownstein, St. Editor with The Atlantic and CNN Political Analyst. The subject was the criminal justice system in Allegheny County & what needs to change.
- 6/14/19 Race & Justice in Pittsburgh & Allegheny County: This was a public event sponsored by The Atlantic. Several panels & interviews were conducted with audience participation. The event was very well attended & substantively inspiring. [Atlantic Live: Race & Justice: Pittsburgh](#)

Dr. Darby added that the 6/14/19 event was a very well thought out format that attracted a diverse group of participants and covered topics that would interest all age groups. Overwhelmingly participants indicated that they were very pleased that this type of conversation was taking place in Pittsburgh.

Pittinger updated the Members on the recent Public Hearing: #173-17: Reutzel v. Schweitzer

- The hearing was conducted on Thursday, 5/30/19. The presiding Panel was comprised of Ms. McLellan, Panel Chair, Dr. Guercio and Mr. Waters. Solicitor Ward facilitated the proceeding as Hearing Officer.
- The hearing adjourned with agreement that Atty. Cimballa for the Subject Officer and Atty. Ruder for the Exec. Dir., would submit written closing letters within 21 days of receiving the transcript of the hearing.
- The transcript was received on Monday, 6/24/19, and distributed to the Attorneys.

Public Comment:

Dr. Darby invited public comment and asked commenters to limit remarks to 3-minutes.

Dr. Darby also asked if there were any comments from Board members. No comments from either the public or board members.

Next Meeting

Dr. Darby announced the time and location of the next Board meeting: Tuesday, 9/24/19, 6:00 p.m. in City Council Chambers, 5th Fl. City County Building, 414 Grant Street, Pittsburgh PA 15219.

Dr. Darby called for a motion to adjourn. Dr. Guercio moved, Mr. Green seconded, the motion to adjourn was adopted unanimously.

Respectfully Submitted,

Stephanie M. Darman

Action Date: 6/25/2019
(8 Cases)

CPRB CASE REVIEW AGENDA 6/25/19 DRAFT

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (0)				
FULL INVESTIGATION (2)				
Moved to Full Investigation: Mr. Green Seconded: Ms. McLellan Carried 5-0				
055-19/GAMBLE	CONDUCT UNBECOMING A MEMBER 16-1,(3.6) CONDUCT TOWARDS THE PUBLIC 16-1, (3.7)	CX ALLEGES THE SO WAS RUDE AND AGGRESSIVE WHEN HE APPROACHED HIM AT AN ATM.	Authorized Full Investigation 5-0	Preliminary Evidence Suggests More Investigation Time is Needed.
102-19/GAMBLE	CONDUCT UNBECOMING A MEMBER 16-1 (3.6) CONDUCT TOWARDS THE PUBLIC 16-1 (3.7) NEGLECT OF DUTY 16-1 (3.13)	THE CX ALLEGES THE SO NEGLECTED HIS DUTIES AND ACTED INAPPROPRIATELY WHEN RESPONDING TO A 911 CALL FOR HARASSMENT AT A PARK.	Authorized Full Investigation 5-0	Preliminary Evidence Suggests More Investigation Time is Needed.
30 DAY EXTENSION OF FULL INVESTIGATION (2)				
MOVED TO AUTHORIZE A 30-DAY EXTENSION: DR. GUERCIO SECONDED: Ms. McLellan Carried 5-0				
053-19/BRIDGETT	USE OF FORCE, 12-6, 3.1 CONDUCT UNBECOMING A MEMBER OR EMPLOYEE, 16-1, 3.6 CONDUCT TOWARD THE PUBLIC, 16-1, 3.7;	Cx Alleges the SO was too Aggressive During a Traffic Stop.	Authorized 30 Day Extension 5-0	More Time is Needed for the Investigation.
54-19/GAMBLE	UNBIASED POLICING 11-3,(4.1) CONDUCT UNBECOMING A MEMBER 16-1 (3.6) CONDUCT TOWARDS THE PUBLIC 16-1 (3.7)	Cx Alleges the SO was Unprofessional after a Vehicle Accident.	Authorized 30 Day Extension 5-0	More Time is Needed for the Investigation.
UNSUSTAINABLE (0)				

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
UNFOUNDED (1) MOVED TO DISMISS AS UNFOUNDED: MS. MCLELLAN SECONDED: MR. WATERS CARRIED 5-0				
211-18/GAMBLE	CONDUCT UNBECOMING A MEMBER 16-1 (3.6) TRUTHFULNESS 16-1, (3.9) FALSE REPORT 62-1 (2.10)	CX ALLEGES HE WAS ARRESTED AND INCARCERATED BECAUSE THE SO'S LIED IN REPORT SAND STATED HE MADE TERRORISTIC THREATS.	Dismissed as Unfounded 5-0	EVIDENCE DOES NOT SUPPORT THE CX. ALLEGATIONS
SUSPENSIONS (3) MOVED TO AUTHORIZE SUSPENSION: DR. GUERCIO SECONDED MS. MCLELLAN CARRIED 5-0				
NEW 10-19/BRIDGETT	CONDUCT UNBECOMING A MEMBER OR EMPLOYEE, (16-1 (3.6))	Cx Alleges the SO Appeared in his PBP Uniform in an Attempt to Prejudice the West Mifflin Magistrate for a Complaint SO filed against the Cx's Husband.	Authorized Suspension Until July Meeting 5-0	More Time is Needed for the Investigation.
15-19/BRIDGETT	CONDUCT UNBECOMING A MEMBER OR EMPLOYEE, (16-1, (3.6; 2)) NEGLECT OF DUTY, (16-1, (3.13))	The Cx Alleges that a Zone 2 Officer Failed to File a Police Report for her.	Authorized Suspension Until July Meeting 5-0	More Time is Needed for the Investigation.
36-19/GAMBLE	CONDUCT UNBECOMING A MEMBER (16-1 (3.6)) CONDUCT TOWARDS THE PUBLIC (16-1 (3.7)) TRUTHFULNESS (16-1, (3.9)) MOTOR VEHICLE STOPS (40-4 (3.2))	Cx Alleges the SO was Inappropriate During a Traffic Stop and Would not Give his Name and Badge Number.	Authorized Suspension Until July Meeting 5-0	More Time is Needed for the Investigation.

Suspensions below.

The following cases remain in suspension with no updates (no summaries provided):

- 04-19/Gamble: Waiting for Subject Officers Statements
- 15-19/Bridgett: Waiting on insurance information from Cx
- 16-19/Bridgett: Witness 1 has not been apprehended
- 29-19/Bridgett: Waiting for multiple documents
- 87-18-ED/Gamble: Waiting for witness' statements
- 109-18/Bridgett: Awaiting update from OMI
- 142-18/Bridgett: Complainant's trial scheduled on 6/19/19.
- 145-18/Bridgett: Remain in Suspension until we hear from SO's attorney
- 193-17/Gamble: Criminal Court Scheduled for 6/18/19
- 202-18/Bridgett: Will close out for June 2019 meeting.
- 208-18/Gamble: Waiting on evidence from Cx & Court 7/11/19
- 221-18/Bridgett: SO statements not available
- 222-18-ED/Gamble: Waiting for officers to resume duty
- 248-17-ED/Gamble: Awaiting civil trial to obtain testimony
- 266-18-ed/Gamble: Waiting for SO's statements from OMI
- 288-17/Gamble: Criminal Court scheduled 9/12/19

MEMORANDUM

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

From: Elizabeth C. Pittinger
Executive Director

Date: April 23, 2019

Re: Executive Director's Report: 06/25/19

Suite 400
816 Fifth Avenue
Pittsburgh PA 15219

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



Citizen Complaints: 15 Pending Citizen Action 85 EDI: 01 Total Intake: 115
Out of Jurisdiction: 09 Statute of Limitation: 00 General Service: 06

(Actual Totals for 2018: CC: 53; PCA: 179; OJ: 19; SL: 04 EDI: 09 GS: 09 Total: 273)
(Actual Totals for 2017: CC: 39; PCA: 198; OJ: 41; SL: 05 EDI: 07 Total: 290)
(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)

(3) Board Terms & Appointments

Seat #1 City Council Appointment: Mr. Thomas C. Waters
Term: 11/01/15 expiring on 10/31/2019

Seat #3 City Council Appointment: Mr. Elwin Green
Term: 11/01/15 expiring on 10/31/2019

Seat #6 Mayoral Appointment: Dr. Emma Lucas-Darby
Term: 11/01/15 expiring on 10/31/2019

Seat #7 Mayoral Appointment: Mr. Sheldon Williams
A Law Enforcement Professional Seat
Term: 11/01/15 expiring on 10/31/2019

Council Resolution to be sent to the Mayor conveying 3 nominees for appointment to each of the expiring seat(s) §662.04(e)(3) (i): August 2, 2019
Mayor must return nominees to Council §662.04(e)(4): September 1, 2019

(4) Kopy's Bar Incident Update

(a) The four officers have been on paid administrative leave since October.

(b) The four Pagans involved have filed civil suits against the officers & the City.

- (c) No criminal charges have been filed against any officers.
- (d) A WPXI report on 6/24/19 related that the City was investigating other undercover operations that raised similar concerns regarding accountability of the public resources & conduct of Narcotics & vice Detectives. Specifically, the report alleged that \$2800 was spent over two nights at a strip club by PBP officers engaged in an undercover operation.
- (e) PBP Order 17-10, Drug & Alcohol Policy, 3.0 GENERAL RULES 3.1 The use of illegal drugs, synthetic drugs or non-prescribed controlled substances, the abuse of legally prescribed drugs and/or controlled substances by a member of the Pittsburgh Bureau of Police are strictly prohibited. In addition, members are prohibited from being under the influence of any alcohol whatsoever while on duty.
 - (i) This Order does not include any permissive exception or reference to any other policy that applies to undercover operations or other detail that would address consumption of alcohol or other intoxicant.

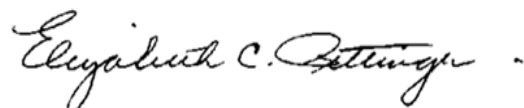
(5) The Atlantic Live

- (a) 6/13/19: In Partnership with the MacArthur Foundation, Atlantic Live sponsored a dinner conversation among several community representatives. The discussion was facilitated by Ron Brownstein, St. Editor with The Atlantic and CNN Political Analyst. The subject was the criminal justice system in Allegheny County & what needs to change.
- (b) 6/14/19 Race & Justice in Pittsburgh & Allegheny County: This was a public event sponsored by The Atlantic. Several panels & interviews were conducted with audience participation. The event was very well attended & substantively inspiring. [Atlantic Live: Race & Justice: Pittsburgh](#)

(6) Public Hearing

- (a) #173-17: Reutzel v. Schweitzer: the hearing was conducted on Thursday, 5/30/19. The presiding Panel was comprised of Ms. McLellan, Panel Chair, Dr. Guercio and Mr. Waters. Solicitor Ward facilitated the proceeding as Hearing Officer.
- (b) The hearing adjourned with agreement that Atty. Cimballa for the subject Officer and Atty. Ruder for the Exec. Dir., would submit written closing letters within 21 days of receiving the transcript of the hearing.
- (c) The transcript was received on Monday, 6/24/19, and distributed to the Attorneys.

Respectfully submitted,



6/25/19