



APPROVED
12/03/19

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 October 22, 2019 (Mtg. No. 218)

Council Chambers

414 Grant Street

Pittsburgh, PA 15219

Neighborhood: Citywide

Video of the meeting <https://cprbpgh.org/2468>

Members Present: Dr. Emma Lucas-Darby Mr. Thomas C. Waters Assistant Chair Dr. Mary Jo Guercio Mr. Elwin Green Sr. Patrice Hughes Solicitor: Atty. William F. Ward Staff Present: Ms. Elizabeth C. Pittinger, Exec. Director Ms. Stephanie Dorman, Asst. Exec. Director Ms. Sherri Bridgett, Investigator Ms. Michelle Gamble, Intake/Lead Investigator Mr. David Ellwood, Investigator	Excused: Ms. Karen McLellan Absent: Mr. Sheldon Williams Vacancy: None Excused staff: None
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Dr. Lucas-Darby, Chair, called the meeting to order at approximately 6:22 p.m.

Dr. Lucas-Darby recognized the members present and the excused Member, Ms. McLellan and absent Member, Mr. Williams.

Dr. Darby called for a motion to approve the minutes of the regular Board meeting conducted on July 23, 2019. A motion to approve the 7/23/19 meeting minutes was offered by Sr. Patrice, seconded by Mr. Green and approved unanimously.

The entire meeting may be viewed here: [Independent CPRB Meeting 10/22/19](#)

Reports

Dr. Lucas-Darby did not have a report from the Chair. The Executive Director's report was deferred, and Dr. Lucas-Darby moved to address unfinished business.

Unfinished Business

1. PH #202-18-ED: Dr. Lucas-Darby asked for Members to volunteer for the Hearing Panel for CPRB # 202-18-ED. Dr. Guercio, Mr. Waters and Mr. Green volunteered to form the presiding panel with Mr. Waters serving as Chair.

Dr. Lucas-Darby asked for possible dates. Executive Director, Beth Pittinger recommended that the Pre-hearing Conference be scheduled to precede the December 3rd meeting or the January meeting. The PHC was set for 5:30 pm, Tuesday, 12/3/19 in Council Chambers.

2. Kopy's Bar Incident: Dr. Lucas-Darby noted the pendency of a policy hearing on the incident involving plainclothes PBP detectives and members of the Pagans Motorcycle Club on 10/12/18 at Kopy's Bar. Ms. Pittinger suggested January 16th or January 23rd as dates to convene a public hearing. The Board agreed to open a public hearing on January 16, 2020. Ms. Pittinger asked if in addition to the principals the Members wanted any specific parties present and available to testify. The Board identified the following parties to be available:
 1. Chief of Police Scott Schubert
 2. Commander of Vice & Narcotics Jason Lando
 3. Director of Public Safety Wendell Hissrich
 4. A representative of the ACLU

Mr. Waters expressed the Board's goals to be creating a public record to inform the citizens of the City about the policies and procedures that guide police operations and to determine if there are policy deficiencies upon which the Board could offer advice and recommendations. Dr. Lucas-Darby agreed. Ms. Pittinger asked if the Board wishes to have the four officers involved in the brawl available to testify. Mr. Waters said yes although he wants to make sure we are having a public hearing that provides the public with real information and clarity. Mr. Waters also suggested a representative from the ACLU who would be able to talk about individual rights regardless of membership in a motorcycle club. Dr. Lucas-Darby expressed uncertainty about the officers' presence at the public hearing. Dr. Lucas-Darby emphasized the importance of the hearing being objective and not antagonistic. Ms. Pittinger explained the value of the officers' testimony would be to establish the foundation and explanation of their conduct and its compliance to existing policy. Ms. Pittinger acknowledged that the officers may be reluctant to appear, but they would be summonsed so they would be compelled to appear. She also noted that we are not seeking to determine individual misconduct. Ms. Pittinger indicated that the Pagans may be willing to cooperate, but she does not think they should be in the same room at the same time as are the detectives. Mr. Ward, the Solicitor for the CPRB, added that there is a difference between an invitation and a subpoena and because there is still a pending civil action, Counsel for the officers may direct them to not appear. Mr. Ward suggested having the hearing on two nights and scheduling the motorcycle club to appear one night and the officers on a second night.

Mr. Waters directed staff to initiate widespread public notice of the hearing. He said he appreciates the value of video recorded meetings and their public availability, but he would like vigorous outreach informing the public about the hearing. Dr. Lucas-Darby said she thinks the subject would attract public interest. Mr. Waters described this hearing as potentially one of the most valuable public hearings the CPRB has held since he has been on the Board and the possibility of entering into the public record important information. Ms. Pittinger suggested the dates of January 15th-16th. Dr. Lucas-Darby asked Ms. Pittinger to advise Members once the confirmation of dates has been made.

Executive Director's Report

The Executive Director's written report is attached to these minutes. The following was presented to the Board.

1. Ms. Pittinger introduced the new CPRB Investigator: David J. Ellwood

Investigator Ellwood joined the team on September 16, 2019. Mr. Ellwood was awarded his Bachelor of Philosophy from the University of Pittsburgh and a Master of Education from the University of Maryland. He served in the US Marine Corps, Military Police, Okinawa, which included service as Officer in Charge, Special Projects Officer, Force Protection/Anti H Terrorism Officer and Camp Damage Control Officer. Among his duties was that of investigating questionable conduct of Marines, which he analyzed and made recommendations to the chain of command. His service with the USMC and Reserve is documented with numerous service awards. He is an accomplished teacher whose career has included being a classroom teacher, Instructional Lead Teacher and progressive administrative duties in Prince George's County MD. Mr. Ellwood is a tremendous asset to our investigative unit and has already demonstrated his exceptional skills related to performing comprehensive investigations.

2. Allegheny Countywide Police Review Board

- a. 8/27/19: County Council voted against the creation of a countywide review board, 9-6.
- b. Proponents have expressed confidence that new members supportive of the proposal will be elected in November and seated in January.

Ms. Pittinger stated she has been very public about the proposal and continues to speak to people including speaking to County Council members prior to the vote. Ms. Pittinger pointed out there are flaws in the proposal and while it is not good policy, their intent is admirable. Ms Pittinger also stated that the proposal does not protect due process and, as described, the public hearings are not fact finding hearings. The proposal is not going to be able to fulfill the promise the proponents are making to the public. They will have jurisdiction over one police department despite there being about 105 municipal police agencies in the County. Participation of other police departments is voluntary.

Unfortunately, the sponsors did not confer with staff or Members of the Independent CPRB during the development of the Countywide proposal. The sponsors did however copy most of the City CPRB's enabling legislation without having the benefit of the 21 years' experience offered by CPRB Members & staff. Ms. Pittinger said we still extend our support and we stand ready to assist the County in any way that is consistent with the CPRB mission.

Dr. Lucas-Darby asked if there has been contact from the sponsors since the vote and Ms. Pittinger said no.

3. PA medical marijuana

- a. Act 16 of 2016 legalized the use of marijuana for medicinal purposes.
- b. Questions continue to emerge as to the use of medical marijuana and potential employment consequences, public safety exposures, driving/DUI, firearm possession & control and conflicts with federal law.
- c. Marijuana is classified as a controlled substance under federal law and Pennsylvania law. In 2018, AG Sessions directed US Attorneys to return to prosecution of marijuana related crimes.
- d. In Pennsylvania the MV Code has not changed. If a medical card holder is driving a vehicle and demonstrates impairment, they can be charged with a DUI.
- e. In Pennsylvania, holders of medical marijuana cards are permitted to ingest marijuana in edible form or through vaporization, nebulization, pill, liquid, gels, lotions, wax, tinctures, oils, but it is not permissible to smoke it. A medical card holder who smokes marijuana loses the protection of the card for possession & smoking marijuana.
- f. Excerpts of information illustrating restrictions & conflicts are attached.
- g. Recently it was disclosed that a PBP Officer had been on extended leave because he used marijuana and obtained a medical marijuana card. It would seem that a police officer is precluded from using marijuana in any form due to its federal classification as a controlled substance and subsequent disability to possess & control a firearm. Additionally, if an individual requires medical marijuana to relieve symptoms of a condition, the issue of fitness for duty arises as do the prohibitions under Sec. 510 of the Act.

4. Solicitor's Contract

- a. Our contract with Mr. Ward will expire on 12/31/19.
- b. Does the Board wish to retain Mr. Ward or solicit bids for a new solicitor?

5. Authorization to travel

- a. NACOLE is holding its final 2019 Regional Training & Networking session on 11/15/19. Pittinger was invited to participate on a panel discussing the Review Board Model of oversight. The event will convene at the George Washington Law School, 716 20th St NW, Rooms 401 & 402, Washington, DC 20052

Ms. Pittinger asked the board for permission to travel and noted the only expense would be mileage.

Dr. Lucas-Darby called for a motion to approve travel for Ms. Pittinger. A motion to approve travel and related expenses for Ms. Pittinger to travel to Washington DC to participate in the NACOLE training on 11/15/19 was offered by Dr. Guercio and seconded by Mr. Waters and approved unanimously.

Sr. Patrice said the board would not put restrictions on just mileage if a hotel is needed please do so.

Mr. Waters expressed interest in enabling Board Members to participate in related conferences and training events. Ms. Pittinger said the next NACOLE conference will be in Tucson, AZ next September and Board Members are welcome to attend. Staff will advise Members of related details for planning purposes.

6. Miscellaneous

- a. 9/10/19: Ms. Dorman and Ms. Pittinger attended the Zone 5 Public Safety Committee meeting.
- b. 9/19/19: Ms. Pittinger met with the Duquesne City Review Board & assisted with their organizational efforts.
- c. 10/14/19: Ms. Pittinger participated in a panel at an event hosted by the Human Relations Commission and Human Rights Group: Human Rights & the Criminal Punishment System. This event was part of the local coalition's Universal Periodic Review (UPR) Report to be sent to the United Nation.

Mr. Green said item 4 in the executive report was not addressed and Ms. Pittinger said it would be addressed in the executive session.

Mr. Waters asked if the CPRB could organize an OP-ED that could be published in the Post-Gazette specifically to the issues Ms. Pittinger has with the County proposal. Mr. Waters also asked if the CPRB as a whole could formally invite the County council to the February board meeting. Ms. Pittinger asked if we should make that a part of the February board meeting. Dr. Lucas-Darby asked if realistically, does the County Council even want our help? Mr. Green added that we have nothing to lose by extending our hand as a whole Board and Sr. Patrice agreed with the invitation. Dr. Lucas-Darby suggested that such a meeting have structure and start with the history of how the CPRB was formed, successes, strengths and obstacles that developed over the years. Sr. Patrice commended Ms. Pittinger for the efforts she made to assist the County Council by sharing the CPRB experience. Dr. Guercio added that a dialogue between the Board and Members of County Council regarding the proposal and respective opposition/support could prove very valuable to County Council. Dr. Lucas-Darby offered to reach out to the prime sponsor of the Countywide proposal to extend the Board's interest and availability to meet with the sponsors and/or other County Council Members.

Dr. Lucas-Darby moved to adopt the CPRB public meeting 2020 calendar. A correction was made regarding the zones that would be visited in the 2020 year. CPRB will be visiting the even number

zones 2, 4 and 6 instead of zones 2, 3 and 5. Ms. Pittinger added that we would visit zone 2, on March 4th, June 23rd we will meet at zone 4 and October 27th we will meet at zone 6. Mr. Waters asked if we could invite the zone public safety groups to the three meeting by collecting emails and sending an email invite. Ms. Pittinger responded we could invite them to all of our meetings but emphasize their particular zones and reach out to them in advance to get email list or their social media pages. Mr. Waters asked if community associations in other areas could help publicize for us to spread the word of our public meetings. Ms. Pittinger asked if anyone has any other ideas of social media to advertise our public meeting to please pass it on. Ms. Pittinger added that the NAACP, Mr. Stewart, generally lets everyone know and we partner with other groups like BPEP. Ms. Pittinger said we will make an effort to renew the partnering.

New Business

None.

Receiving no new business, Dr. Lucas-Darby moved to Case Review.

Case Review:

Dr. Lucas-Darby moved to the Case Review Agenda (copy attached). Each group of recommendations was voted upon as recorded on the attached Case Review Actions. Copies of the agenda were available to the public.

Dr. Lucas-Darby said several edits needed to be made to the case review agenda 069-19 needed to be moved from full to with draw and also case 054-19 needs to be moved to dismissal.

Next Meeting

Dr. Lucas-Darby announced the time and location of the next Board meeting: Tuesday, 12/3/2019, 6:00 p.m. in City Council Chambers, City County Building, 5th Floor, 414 Grant Street, Pittsburgh PA 15219.

Public Comment:

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

Mr. Ozark wished everyone a Happy Thanksgiving.

Dr. Lucas-Darby also asked if there were any comments from Board members. No comments were offered by Members of the Board.

Dr. Lucas-Darby called for a motion to adjourn. Sr. Patrice moved and Mr. Green seconded, and the motion to adjourn was adopted unanimously.

Respectfully Submitted,

Stephanie M. Dorman

CPRB CASE REVIEW AGENDA 10/22/19 FINAL

CPRB CASE No. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
FULL INVESTIGATION (9)				
192-19 Ellwood	Conduct toward the public (16-1. 3.7) Conduct unbecoming a member (16-1. 3.6) Incompetency (16-1 3.12) Truthfulness (16-1 3.19) Investigative operations: eyewitness identification procedures (43-17, 2.1.8, 3.12, 3.13, 4.2, 4.5, 9.11, 9.14	Cx states that SO failed to conduct a proper investigation	Authorized full investigation	Preliminary evidence suggests to continue investigation
159-19 Ellwood	Conduct toward the public 16-1 (3.7)	Cx alleges that SO was rude and unprofessional with him in the conduct of his duties	Authorized full investigation	Preliminary evidence suggests to continue investigation
156-19 Ellwood	Law enforcement code of ethics 10-01 (2.2, 2.3) Conduct unbecoming a member 16-1 (3.6) Conduct toward the public 16-1 (3.7) Truthfulness 16-1, (3.19) Withholding information 16-1 (3.44) Neglect of duty 16-1- (3.13) Crash response and investigation reports 41-3 (3.3)	Cx alleges that SO#1 ran a stop sign, ignored direction from her as the safety flagger for the site, and hit her with their vehicle causing serious bodily injury.	Authorized full investigation	Preliminary evidence suggests to continue investigation
147-19 Gamble/ Ellwood	Unbiased policing 11-3 (4.1) Conduct unbecoming a member 16-1 (3.6) Conduct toward the public 16-1 (3.7) Truthfulness 16-1, (3.9) Towing & tow pound procedures 41-4.01 (2.2) & 41-01.4 (2.0)	Cx alleges the SO illegally towed his vehicle and has harassed him with numerous citations.	Authorized full investigation	Preliminary evidence suggests to continue investigation

CPRB CASE No. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
146-19 Bridgett	Conduct unbecoming a member 11-3 (4.1) conduct towards the public 16-1 (3.7) Neglect of duty 16-1 (3.9)	The Cx alleges the SO failed to properly investigate an incident and acted inappropriately towards him.	Authorized full investigation	Preliminary evidence suggests to continue investigation
128-19 BRIDGETT	Conduct unbecoming a member/employee 11-3 (4.1) Neglect of duty 16-1 (3.9) reports	The Cx alleges that the SO would not take a report after she called 911.	Authorized full investigation	Preliminary evidence suggests to continue investigation
58-19 Bridgett	Conduct unbecoming a member 16-1 (3.6) Conduct towards the public 16-1 (3.7) truthfulness 16-1 (3.19) Motor vehicle stops 40-4 (3.2) Warrantless searches & seizures 45-2 (5.1)	The Cx states the SO pulled him over on 4/1/19 for driving erratically which he denies	Authorized Full Investigation	Preliminary evidence suggests to continue investigation
38-19 Bridgett	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) 5) Use of force 12-6 (3.1)	The Cx alleged that he was pulled over by four plainclothes narcotics detectives who accused him of running through two stop signs.	Authorized full investigation	Preliminary evidence suggests to continue investigation
CPRB CASE No. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
30 DAY EXTENSION OF FULL INVESTIGATION (3)				
095-19 Bridgett	Conduct unbecoming a member 16-1 (3.6) Incompetency 16-1 (3.12) Neglect of duty 16-1 (3.9)	Cx alleges that the SO wrongfully arrested him for an incident at a bar.	Authorized 30 day extension	More information is needed for investigation
094-19 Bridgett	Motor vehicle stops 40-04 Unbiased policing 11-3(4.1)	Witness #1 alleges that multiple Zone 1 officers are constantly stopping the Victim without probable cause to stop him.	Authorized 30 day extension	More information is needed for investigation

CPRB CASE No. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
263-18 Ellwood/ Gamble	Unbiased policing 11-3,(4.1) conduct unbecoming a member 16-1 (3.6) Neglect of duty 16-1 (3.13) Police response to domestic violence 40- 12	Cx alleges the Subject Officer failed to respond properly to her domestic violence call.	Authorized 30 day extension	More information is needed for investigation
UNSUSTAINABLE (3)				
193-17 Gamble	Use of force 12-6 (3.1) Conduct unbecoming a member 16-1 (3.6) Conduct towards the public 16-1 (3.7) Neglect of duty 16-1 (3.13) Reports 40-19 (5.1) Warrantless search & seizures 45-2 (5.1)	Complainant alleges 3 incidents have taken place at her residence where the PBP officers have acted inappropriately.	Dismissed as unsustainable	Investigator is unable to sustain the cx's allegations
053-19 Bridgett	Use of force 12-6 (3.1) Conduct unbecoming a member 16-1 (3.6) Conduct toward the public 16-1 (3.7)	Cx alleges the so was aggressive during a traffic stop.	Dismissed as unsustainable	Investigator is unable to sustain the cx's allegations
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.	Dismissed as unsustainable	Investigator is unable to sustain the cx's allegations
UNFOUNDED (2)				
137-19 Gamble	Conduct unbecoming a member 16-1 (3.6) neglect of duty 16-1 (3.13)	Cx alleges the SO neglected his duty by failing to file harassment charges against Witness #1.	Dismissed as unfounded	The available evidence does not support the allegations.
131-19 Gamble	Unbiased policing 11-3 (4.1) conduct unbecoming a member 16-1 (3.6)	Cx. alleges the SO has been harassing her by following her for the past several years for unknown reasons	Dismissed as unfounded	The available evidence does not support the allegations.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
New Suspensions (1)				
102-19 Ellwood/ Gamble	Conduct Unbecoming A Member 16-1 (3.6) Conduct Towards The Public 16-1 (3.7) Neglect Of Duty 16-1 (3.13)	Cx alleges the SO neglected His duties when responding to a 911 call for harassment at a park.	Authorized suspension until December 2019 meeting	More time is needed for the investigation.
OTHER (2)				
069-19 Bridgett	Conduct unbecoming a member or employee, 16-1, 3.6; 3 Conduct toward the public 16-1,3.07	The Cx states that the SO harassed him while he was walking on Carson Street on the South Side.	Authorized to withdraw	Cx stated that he spoke with the SO at length and felt good about the conversation. He no longer wants to pursue the complaint.
065-19 Bridgett	16-1(3.06) CONDUCT UNBECOMING, 16-1(3.07) CONDUCT TOWARD THE PUBLIC 41-04.01 TOWING PROCEDURES	The Cx alleges that the Victim's vehicle was parked across the street from their house and was towed by the SO without warning	Authorized to withdraw	Cx stated that he had a meeting with the SO and a representative from the Law Department and he is satisfied with the outcome. Cx no longer wants to pursue the complaint

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MEMORANDUM

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

From: Elizabeth C. Pittinger
Executive Director

Date: October 22, 2019

Re: Executive Director's Report: 10/22/19

Suite 400
816 Fifth Avenue
Pittsburgh PA 15219

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



Citizen Complaints: 33	Pending Citizen Action 146	EDI: 04	Total Intake: 209
Out of Jurisdiction: 15	Statute of Limitation: 00	General Service: 09	

(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)

1. CPRB Investigator: David J. Ellwood

Investigator Ellwood joined the team on September 16, 2019. Mr. Ellwood was awarded his Bachelor of Philosophy from the University of Pittsburgh and a Master of Education from the University of Maryland. He served in the US Marine Corps, Military Police, Okinawa, which included service as Officer in Charge, Special Projects Officer, Force Protection/Anti H Terrorism Officer and Camp Damage Control Office. Among his duties was that of investigating questionable conduct of Marines, which he analyzed and made recommendations to the chain of command. His service with the USMC and Reserve is documented with numerous service awards. He is an accomplished teacher whose career has included being a classroom teacher, Instructional Lead Teacher and progressive administrative duties in Prince George's County MD. Mr. Ellwood is a tremendous asset to our investigative unit and has already demonstrated his exceptional skills related to performing comprehensive investigations.

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- b. Proponents have expressed confidence that new members supportive of the proposal will be elected in November and seated in January.

3. PA medical marijuana

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- b. Questions continue to emerge as to the use of medical marijuana and potential employment consequences, public safety exposures, driving/DUI, firearm possession & control and conflicts with federal law.
- c. Marijuana is classified as a controlled substance under federal law and Pennsylvania law. In 2018, AG Sessions directed US Attorneys to return to prosecution of marijuana related crimes.
- d. In Pennsylvania the MV Code has not changed. If a medical card holder is driving a vehicle and demonstrates impairment, they can be charged with a DUI.
- e. In Pennsylvania, holders of medical marijuana cards are permitted to ingest marijuana in edible form or through vaporization, nebulization, pill, liquid, gels, lotions, wax, tinctures, oils, but it is not permissible to smoke it. A medical card holder who smokes marijuana loses the protection of the card for possession & smoking marijuana.
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- g. Recently it was disclosed that a PBP Officer had been on extended leave because he used marijuana and obtained a medical marijuana card. It would seem that a police officer is precluded from using marijuana in any form due to its federal classification as a controlled substance and subsequent disability to possess & control a firearm. Additionally, if an individual requires medical marijuana to relieve symptoms of a condition, the issue of fitness for duty arises as do the prohibitions under Sec. 510 of the Act.

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- a. Our contract with Mr. Ward will expire on 12/31/19.
- b. Does the Board wish to retain Mr. Ward or solicit bids for a new solicitor?

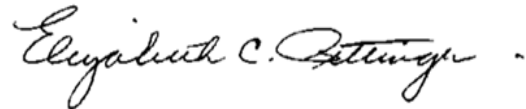
5. Authorization to travel

- a. NACOLE is holding its final 2019 Regional Training & Networking session on 11/15/19. Pittinger was invited to participate on a panel discussing the Review Board Model of oversight. The event will convene at the George Washington Law School, 716 20th St NW, Rooms 401 & 402, Washington, DC 20052
- b. Does the Board authorize Pittinger to travel?

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- b. 9/19/19: met with the Duquesne City Review Board & assisted with their organizational efforts.
- c. 10/14/19: participated in a panel at an event hosted by the Human Relations Commission and Human Rights Group: Human Rights & the Criminal Punishment System. This event was part of the local coalition's Universal Periodic Review (UPR) Report to be sent to the United Nation.

Respectfully submitted,

A handwritten signature in cursive script, reading "Elizabeth C. Settegrano".

10/22/19

Attachments (4)

Section 510. Prohibitions.

The following prohibitions shall apply:

(1) A patient may not operate or be in physical control of any of the following while under the influence with a blood content of more than 10 nanograms of active tetrahydrocannabinis per milliliter of blood in serum:

(i) Chemicals which require a permit issued by the Federal Government or a state government or an agency of the Federal Government or a state government.

(ii) High-voltage electricity or any other public utility.

(2) A patient may not perform any employment duties at heights or in confined spaces, including, but not limited to, mining while under the influence of medical marijuana.

(3) A patient may be prohibited by an employer from performing any task which the employer deems life-threatening, to either the employee or any of the employees of the employer, while under the influence of medical marijuana. The prohibition shall not be deemed an adverse employment decision even if the prohibition results in financial harm for the patient.

(4) A patient may be prohibited by an employer from performing any duty which could result in a public health or safety risk while under the influence of medical marijuana. The prohibition shall not be deemed an adverse employment decision even if the prohibition results in financial harm for the patient.

Firearms Information

The Pennsylvania State Police Firearms Division is part of the Bureau of Records and Identification and is charged with maintaining records related to firearms licensing and transfers.

The Firearms Division also operates the [Pennsylvania Instant Check System \(PICS\)](#), which is used by firearms dealers to verify an applicant's eligibility to legally purchase a firearm in just a few minute's time.

Information for Medical Marijuana Cardholders:

It is legal under Pennsylvania law for the holder of a validly issued patient Medical Marijuana Card to possess approved forms of medical marijuana. However, as per the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), the possession of medical marijuana remains a violation of federal law, and possession of a valid Medical Marijuana Card and/or the use of medical marijuana makes you an "unlawful user of or addicted to any controlled substance" who is prohibited by federal law from the purchase or acquisition, possession, or control of a firearm pursuant to 18 U.S.C. § 922(g)(3), and 27 C.F.R. § 478.32(a)(3).

The BATFE's position is set forth in its September 21, 2011, Open Letter to all Federal Firearms Licensees, which states in part that "[t]herefore, any person who uses or is addicted to marijuana, regardless of whether his or her State has passed legislation authorizing marijuana use for medicinal purposes, is an unlawful user of or addicted to a controlled substance, and is prohibited by Federal law from possessing firearms or ammunition." [Click here for a copy of the Open Letter.](#)[Opens In A New Window](#) Likewise, the mere possession of a Medical Marijuana Card will give rise to an inference that you are an "unlawful user of or addicted to" a controlled substance, pursuant to 27 C.F.R. § 478.11.

Therefore, it is also unlawful for you to apply for, possess or renew a Pennsylvania License to Carry Firearm (LTC), because you are "[a]n individual who is prohibited from possessing or acquiring a firearm under the statutes of the United States." (Pennsylvania Consolidated Statutes Chapter 18, Section 6109(e)(1)(xiv).

JUSTICE NEWS

Department of Justice
Office of Public Affairs

FOR IMMEDIATE RELEASE

Thursday, January 4, 2018

Justice Department Issues Memo on Marijuana Enforcement

The Department of Justice today issued a memo on federal marijuana enforcement policy announcing a return to the rule of law and the rescission of previous guidance documents. Since the passage of the Controlled Substances Act (CSA) in 1970, Congress has generally prohibited the cultivation, distribution, and possession of marijuana.

In the memorandum, Attorney General Jeff Sessions directs all U.S. Attorneys to enforce the laws enacted by Congress and to follow well-established principles when pursuing prosecutions related to marijuana activities. This return to the rule of law is also a return of trust and local control to federal prosecutors who know where and how to deploy Justice Department resources most effectively to reduce violent crime, stem the tide of the drug crisis, and dismantle criminal gangs.

"It is the mission of the Department of Justice to enforce the laws of the United States, and the previous issuance of guidance undermines the rule of law and the ability of our local, state, tribal, and federal law enforcement partners to carry out this mission," said Attorney General Jeff Sessions. "Therefore, today's memo on federal marijuana enforcement simply directs all U.S. Attorneys to use previously established prosecutorial principles that provide them all the necessary tools to disrupt criminal organizations, tackle the growing drug crisis, and thwart violent crime across our country."

Attachment(s):

[Download Marijuana Enforcement 1.4.18](#)

Component(s):

[Office of the Attorney General](#)

Press Release Number:

18-8

Updated January 4, 2018

§ 3802. Driving under influence of alcohol or controlled substance.

(a) General impairment.--

(1) An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle.

(2) An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.08% but less than 0.10% within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.

(b) High rate of alcohol.--An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.10% but less than 0.16% within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.

(c) Highest rate of alcohol.--An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is 0.16% or higher within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.

(d) Controlled substances.--An individual may not drive, operate or be in actual physical control of the movement of a vehicle under any of the following circumstances:

(1) There is in the individual's blood any amount of a:

(i) Schedule I controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act;

(ii) Schedule II or Schedule III controlled substance, as defined in The Controlled Substance, Drug, Device and Cosmetic Act, which has not been medically prescribed for the individual; or

(iii) metabolite of a substance under subparagraph (i) or (ii).

(2) The individual is under the influence of a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

(3) The individual is under the combined influence of alcohol and a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.

(4) The individual is under the influence of a solvent or noxious substance in violation of 18 Pa.C.S. § 7303 (relating to sale or illegal use of certain solvents and noxious substances).