



Final  
9/22/20

## INDEPENDENT CITIZEN POLICE REVIEW BOARD

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### Minutes of the Regular CPRB Meeting Held on July 28, 2020 (Mtg. No. 225)

Online Zoom Webinar # 916 7093 0738

Pittsburgh, PA 15219

Neighborhood: Citywide

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Video of the meeting <https://cprbpg.org/2680>

Members Present:  Dr. Emma Lucas-Darby Mr. Thomas C. Waters Vice Chair Dr. Mary Jo Guercio Mr. Elwin Green Sr. Patrice Hughes Ms. Karen McLellan Mr. Sheldon Williams  Solicitor: Atty. William F. Ward  Staff Present: Ms. Elizabeth C. Pittinger, Exec. Director Ms. Stephanie Dorman, Asst. Exec. Director Ms. Michelle Gamble, Lead Investigator Ms. Sherri Bridgett, Investigator Mr. David Ellwood, Investigator	Excused Members: None  Absent: None  Vacancy: None  Excused staff: None
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The entire meeting may be viewed here: [Independent CPRB Meeting 07/28/2020](#)

Dr. Lucas-Darby, Chair, called the online Zoom meeting to order at approximately 6:04 p.m.

Dr. Darby recognized all board members as present. Public comments and questions will be addressed at the end of the meeting.

Dr. Darby called for a motion to approve the minutes of the regular Board meeting conducted on June 23, 2020. *A motion to approve the June 23, 2020, meeting minutes was offered by, Ms. McLellan seconded by Sr. Patrice and the motion was approved unanimously.*

#### **Opening remarks by Chair:**

Dr. Darby remarked that last month's meeting was robust, and she was pleased with the turnout and hopes that the community will continue to join our monthly Board meetings via Zoom.

Dr. Lucas-Darby reminded everyone of the letter from Mayor Peduto encouraging the CPRB to investigate the encounter between police and protesters in East Liberty on June 1, 2020. Dr. Lucas-Darby reported that a phone conference with leadership of the NAACP-PA, the ACLU and the community liaison of the US Attorney's office was conducted on July 2, 2020. It was agreed that the CPRB would prepare a report of the incident. The liaison from the US Attorney's office noted a potential conflict and appropriately declined to commit to participating in the CPRB's endeavor. The report will be shared with the other agencies and they will decide if it merits the public support of their respective agencies.

Mr. Waters requested that, upon completion of the report, the Board have dialogue with those organizations and discuss the findings and review the Board's recommendations. Dr. Lucas-Darby replied that that was agreed to during the meeting.

On June 23, 2020, City Councilman Rev. Ricky Burgess introduced a proposal (2020-0447) to expand the powers of the CPRB through a referendum amendment to the Home Rule Charter at the November 3, 2020 general election. Dr. Lucas-Darby, Ms. Pittinger, Mr. Ward and Mr. Shawn Carter, special assistant to Councilman Burgess, met several times regarding the proposed changes to the CPRB provisions in the Home Rule Charter. Members received the final draft submitted to City Council by Rev. Burgess. The ordinance authorizing the referendum was passed by Council (9-0) and signed by the Mayor on July 21, 2020. The ordinance will be submitted to the County Board of Elections for certification and inclusion on the November 3, 2020 ballot. Information explaining the referendum question will be mailed to Pittsburgh electors. Ms. Pittinger will plan an "explainer" for posting on the CPRB website and social media.

Mr. Waters read a question from the chat "Is there a URL for the policy that was passed by City Council and signed by the Mayor?" Ms. Pittinger replied it is available on the Legislative Information Center through the City Council's website, but we could post it on our CPRB website.

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

Executive Director Pittinger gave a summary of the proposed referendum changes to the CPRB mandate in the Home Rule Charter.

Dr. Darby read a question in the chat. "Would the police be required to cooperate even if there was a civil rights lawsuit against them?" Ms. Pittinger replied yes and that it is currently the requirement if we have served them with a subpoena.

Ms. Pittinger informed a police reform package was adopted by City Council today, July 28, 2020. The significant provisions and vote are: Adopted a duty to intervene and barred chokeholds (9-0), established and funded a Stop the Violence Fund (8-1), Imposed a police hiring freeze and banned acquisition of military equipment (6-3).

On July 6, 2020 Ms. Pittinger met with the Tom King, retired Chief of Police of State College PA. The Chief is looking at models of oversight and Ms. Pittinger offered CPRB's assistance and we agreed to keep in touch.

On July 8, 2020, Ms. Pittinger met with Mayor Peduto, Public Safety Director Hissrich, Chief of Staff Gilman, Chief Schubert, B-PEP President Tim Stevens, Urban League of Greater Pgh President Esther Bush, NAACP-Pgh President Richard Stewart and a number of other parties about recruitment and the diversity deficiencies in the Bureau of Police. Mr. Stevens sought responses to questions posed following a similar meeting on

February 24, 2020. The Mayor's office agreed to provide additional information by July 13, 2020. A follow up meeting has not been scheduled.

On July 9, 2020, Ms. Pittinger presented a police oversight proposal featuring an ombudsman model to Allegheny County Council to assist with their consideration of civilian oversight of police in the County. A copy of the presentation and narrative was provided to Board members and posted on the website.

On July 16, 2020, Ms. Pittinger participated in a post agenda meeting with City Council on Policing Reform and Budgeting. (Reforms adopted by City Council on July 28, 2020 are attached in summary form.)

The 2021 budget request for the CPRB is due Friday, July 31, 2020. Ms. Pittinger wishes to request two personnel changes: convert a vacant investigator position into a Community Liaison and create a new position for Research and Planning. Mr. Green asked when the positions would be activated if the budget request was approved and Ms. Pittinger replied it would be in budget year 2021.

Sr. Patrice offered a motion to approve the proposal and include the addition of a person to assist with research and development of programs and policies to augment the current work from an already overworked staff seconded by Ms. McLellan. Mr. Green offered a friendly amendment to include the Community Liaison position, Sr. Patrice accepted, and the motion was approved unanimously.

The office team continues to research and evaluate e-notary options so online complaints can be expedited while maintaining COVID-19 precautions.

The Mayor's Task Force on Police Reform invited the CPRB to give a presentation on Monday, August 10, from 4:30 - 6:30.

There have been numerous media communications since the June 23, 2020 meeting including The Chris Moore Show, WESA Radio, Lynn Hayes Freeland's radio show, The Tribune, The Post-Gazette, WPXI and CBS/KDKA.

### **Unfished Business:**

Ratification of Findings and Recommendations in CPRB No. 173-17. All members of the board received the findings and recommendation of the panel which consisted of Chair McLellan, Mr. Waters and Dr. Guercio. A motion to approve the findings and recommendations of the Hearing Panel was offered by Dr. Guercio and seconded by Sr. Patrice and the motion was approved unanimously.

### **New Business:**

No new business

### **case Review:**

Dr. Darby moved to the Case Review Agenda (copy attached). Each group of recommendations was voted upon as recorded on the attached Case Review Actions. The following cases remain in suspension: 05-20, 16-19, 29-19, 038-19, 58-19, 094-19, 095-19, 146-19, 190-19, 233-19, 142-18, 221-18, 06-20, 102-19, 217-19, 230-19, 248-17 and 87-18. A motion for Members to receive a copy of the suspended case summaries

for review at the September meeting was offered by Mr. Waters, seconded by Sr. Patrice, and was approved unanimously.

Ms. Pittinger informed Members that Case No. 62-20 was erroneously listed as a recommended suspension; it is actually recommended for dismissal as unsustainable. The Board voted unanimously to dismiss the case.

Mr. Ward provided a status update on the status of outstanding subpoenas served on the City as related to various cases. Staff noted that some of those subpoenas have been answered recently. Many cases are suspended or delayed while waiting for OMI to answer subpoenas

Ms. Pittinger asked if we could set a time and certain to conduct a public hearing for the Kopy's bar incident. Dr. Guercio, Dr. Darby and Sr. Patrice will serve as the panel. Dr. Darby informed all available members re welcome to join the panel. Dr. Guercio asked if the panel wanted to pick a date and Dr. Darby asked for a Doodle invite to be sent to the panel.

### **Next Meeting**

Dr. Darby announced the time and location of the next Board meeting: Tuesday, September 22, 2020, at 6:00 p.m. via Zoom. Meeting link will be posted on the cprbpg.org website and Face Book page.

### **Public Comment:**

No public comments.

The entire meeting may be viewed here: [Independent CPRB Meeting 07/28/2020](#)

Dr. Darby called for a motion to adjourn, and the motion to adjourn was offered by Sr. Patrice and seconded by Mr. Waters and the motion was adopted unanimously.

Respectfully Submitted,



Stephanie M. Dorman  
Assistant Executive Director

Attachments (2):

07/28/2020 Case Review Agenda  
Referendum Proposal 2020

Action Date: 7/28/2020

(8 Cases)

CPRB CASE REVIEW AGENDA 7/28/2020

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
<b>PUBLIC HEARING (0)</b>				
<b>FULL INVESTIGATION (2)</b>				
112-20 Bridgett	Unbiased Policing 11-3 Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.07)	The Cx alleges that she was racially profiled after her vehicle was illegally pulled over and searched including the trunk and her purse.	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.
59-20 Ellwood	Obedience to Orders and/or Laws 16-1(3.1.1) Truthfulness 16-1(3.19)	Cx alleges that SO#1 and SO#2, in the process of investigation of a minor involved in sex work, manufactured evidence to implicate Cx in sex trafficking of a minor.	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.
<b>30 Day Extension of Full Investigation (1)</b>				
107-20 ED Ellwood Bridgett Gamble	Use of Force 12-06, (3.0) Discharge of Firearms and Less Lethal Weapons 12-07, (4.0) Continuum of Control 12- 08, (2.0, 3.0) Pepper Aerosol Restraint Spray 12-09	Executive Director Inquiry has been opened into the alleged incident that occurred on June 1, 2020. Pittsburgh experienced violent & destructive episodes in the wake of several lawful, peaceful protests calling for police reform.	Authorized 30- day extension 6-0	More time is needed for the investigation
<b>UNSUSTAINABLE (2)</b>				
243-19 Bridgett	Use of Force 12-6 (3.1) Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16- 1 (3.7)	The Cx alleges that she witnessed the SO use excessive force on an unresponsive male.	Dismissed as unsustainable 6-0	The available evidence does not support the allegations
62-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7) Lost Stolen Abandoned Property 37-1 (9.0) Warrantless Search & Seizures 45-2 (5.1)	The Cx alleges the SO detained him for two hours in the rear of a patrol car and never charged him with a crime.	Dismissed as unsustainable 6-0	The available evidence does not support the allegations

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
<b>UNFOUNDED (1)</b>				
148-19 Ellwood	Release of Property 37-1 (9.0) Towing/Abandoned Vehicles 41-04.04 Pa Title 75 Abandoned Vehicles & Salvors Missing Person Investigations 43-02 (3.0)	Cx states that her daughter's car was ticketed and towed and subsequently sold from McGann & Chester Towing Company without notice.	Dismissed as unfounded 6-0	The available evidence does not support
<b>NEW SUSPENSIONS (2)</b>				
233-19 Bridgett	Unbiased Policing 11-3 (4.1) Use of Force 12-6 (3.1) Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Warrantless Searches & Seizures 45-2 (5.1)	The Cx1 alleges the SOs used excessive force and were unprofessional when they detained him and Cx2 as possible robbery suspects.	Authorized suspension until September 2020 6-0	Waiting to speak with the complainants.
199-19 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Incompetency 16-1 (3.12) Neglect of Duty 16-1 (3.13)	The Cx alleged she was arrested as the result of mistaken identity.	Authorized suspension until September 2020 6-0	Waiting on confirmation as to whether there is a statement for SO#2.
<b>OTHER (0)</b>				

Suspensions follow.

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

<b>CONTINUED SUSPENSIONS UPDATES (18) SUMMARIES PROVIDED UPON REQUEST</b>			
<b>CPRB CASE No. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>REASON FOR CONTINUED INVESTIGATION</b>	<b>POSSIBLE CLOSING DATE</b>
05-20 Bridgett	Unbiased Policing 11-3 (4.1) 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 Warrantless Search & Seizures 45-2 (5.1) False Report 62-1 (2.10)	Waiting on SO statements	TBD
16-19 Bridgett	Conduct unbecoming a member 16-1 (3.6) Neglect of duty 16-1(3.13)	Witness 1 has not been apprehended and the CX is still out of the country.	TBD
29-19 Bridgett	Obedience to orders/ laws 16-1 (3.1) Conduct unbecoming a member 16-1 (3.6) Insubordination, 16-1 (3.9) Truthfulness 16-1 (3.19) False report 62-1 (2.10)	Waiting on SO statements	TBD
038-19 Bridgett	Use of force, 12-6, 3.1 Conduct Unbecoming A Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7) Truthfulness 16-1 (3.19)	Reviewing SO statements	TBD
58-19 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) Warrantless Searches & Seizures 45-2 (5.1)	Waiting on witness statements	TBD
094-19 Bridgett	Conduct Unbecoming A Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7)	Waiting on SO statements.	TBD

CPRB CASE No. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
095-19 Bridgett	Conduct Unbecoming A Member 16-1 (3.6) Incompetency 16-1 (3.12) Neglect of Duty 16-1 (3.9)	Waiting on SO statements.	TBD
146-19 Bridgett	Conduct Unbecoming A Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7)	Waiting for the Cx to decide if he wants to proceed.	TBD
190-19 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Police-Response-to-Domestic-Violence-Incidents 40-12	Waiting on SO statements.	TBD
233-19 Bridgett	Unbiased Policing 11-3 (4.1) Use of Force 12-6 (3.1) Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Warrantless Searches & Seizures 45-2 (5.1)	Waiting on SO statements.	TBD
142-18 Bridgett	Unbiased policing 11-3 (4.1) Conduct unbecoming a member 16-1 (3.6) Truthfulness 16-1 (3.19) false report 62-1 (2.10)	Waiting for Cx's Criminal Trial that is scheduled for 6/29/20.	TBD



<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>REASON FOR CONTINUED INVESTIGATION</b>	<b>POSSIBLE CLOSING DATE</b>
221-18 Bridgett	Use of force, 12-6, 3.1 Taser, 12-13, 5.3 Conduct unbecoming a member 16-1, 3 Truthfulness, 16-1 (3.19) False report 62-1 (2.10)	Waiting on witness statement from OMI	TBD
06-20 Ellwood	Crash Response Investigations and Reports 41-03 (3.3.6, 3.4.4, 4.1.1, 4.1.3)	Waiting for SO statements.	TBD
102-19 Elwood	Conduct unbecoming a member 16-1 (3.6) Conduct towards the public 16-1 (3.7) Neglect of duty 16-1 (3.13)	Waiting on SO statements.	TBD
217-19 Ellwood	Conduct Toward the Public 16-01 (3.7) Arrest 44-1 Unlawful Search and Seizure 45-2	Waiting on SO statements.	TBD
230-19 Ellwood	Warrantless Searches and Seizures Building Search 45-2 (10.0) Use of Force 12-06 Hot Pursuit Searches 45-2 (11.2.3)	Waiting on SO statements.	TBD
248-17-ED Gamble	Conduct unbecoming a member 16-1 (3.6) Conduct towards the public 16-1 (3.7) Use of force 12-6 (3.1)	Waiting for Victim's Response & Formal Statement	TBD
87-18-ED Gamble	Use of Force 12-6 Discharge of firearms 12-7 Conduct unbecoming a member 16-1 (3.6) Truthfulness 16-1(3.19) Records/Reports/Files 62-1	Waiting for witnesses to cooperate.	TBD



# City of Pittsburgh

510 City-County Building

414 Grant Street  
Pittsburgh, PA 15219

## Legislation Details (With Text)

**File #:** 2020-0447      **Version:** 3

**Type:** Ordinance      **Status:** Passed Finally

**File created:** 6/23/2020      **In control:** Committee on Finance and Law

**On agenda:** 6/23/2020      **Final action:** 7/21/2020

**Enactment date:** 7/21/2020      **Enactment #:** 22

**Effective date:** 7/22/2020

**Title:** Ordinance Directing the Allegheny County Board of Elections to place before the qualified voters of the City of Pittsburgh at the 2020 November General Election a referendum question, "Shall the Pittsburgh Home Rule Charter, Article Two, Executive, be amended and supplemented by amending and adding new language to Sections 229 and 230 and adding a new Section, 231, expanding the powers of the Independent Citizen Police Review Board to allow the Board to require police officers to participate in investigations, conducting performance audits of the Police Bureau and preventing the removal of Board members except for just cause and with City Council approval?" (Cablecast Public Hearing held 7/8/20)

**Sponsors:** Reverend Ricky V. Burgess

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/22/2020	3	Mayor	Signed by the Mayor	
7/21/2020	2	City Council	AMENDED BY SUBSTITUTE	Pass
7/21/2020	2	City Council	Passed Finally, As Amended	Pass
7/15/2020	2	Standing Committee	AMENDED BY SUBSTITUTE	Pass
7/15/2020	2	Standing Committee	Affirmatively Recommended as Amended	Pass
7/8/2020	1	Committee on Hearings	Public Hearing Held	
6/24/2020	1	Standing Committee	Held for Public Hearing	Pass
6/23/2020	1	City Council	Read and referred	
6/23/2020	1	City Council	Waived under Rule 8	Pass

Ordinance Directing the Allegheny County Board of Elections to place before the qualified voters of the City of Pittsburgh at the 2020 November General Election a referendum question, "Shall the Pittsburgh Home Rule Charter, Article Two, Executive, be amended and supplemented by amending and adding new language to Sections 229 and 230 and adding a new Section, 231, expanding the powers of the Independent Citizen Police Review Board to allow the Board to require police officers to participate in investigations, conducting performance audits of the Police Bureau and preventing the removal of Board members except for just cause and with City Council approval?"

*(Cablecast Public Hearing held 7/8/20)*

**Whereas**, in 1968, the electors of the Commonwealth of Pennsylvania approved various amendments to the

Constitution of the Commonwealth of Pennsylvania (“Pennsylvania Constitution of 1968”, “state Constitution”), among which were amendments which granted to municipalities for the first time the right and power to frame and adopt home rule charters and enjoined municipalities from the deprivation or discrimination against the exercise and enjoyment of the civil rights of any person; and, **Whereas**, in 1972, pursuant to Article IX, Section 2 of the Pennsylvania Constitution of 1968, the General Assembly enacted the Home Rule Charter and Optional Plans Law, which established the process by which municipalities could frame and adopt a home rule charter; and,

**Whereas**, in 1974, the qualified voters of the City of Pittsburgh approved the adoption of the Pittsburgh Home Rule Charter (the “Charter”) and thus the City became a home-rule municipality; and,

**Whereas**, the Home Rule Charter and Optional Plans Law, 53 Pa.C.S.A. § 2961, et seq., is a broad grant of municipal authority to the City of Pittsburgh; and,

**Whereas**, the City of Pittsburgh is a home rule municipality, a city of the second class and a political subdivision of the Commonwealth of Pennsylvania; and,

**Whereas**, the Constitution of the Commonwealth of Pennsylvania (“Pennsylvania Constitution”), Article I, § 26, states as follows: “Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right”; and,

**Whereas**, the Fifth Amendment to the Constitution of the United States mandates that, “*No person shall be ... deprived of life, liberty, or property, without due process of law...*”; and,

**Whereas**, the Fourteenth Amendment to the Constitution of the United States enjoins the states from taking any actions which, “*deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws*”; and

**Whereas**, Article I, Section 8 of the Pennsylvania Constitution states, “[*t*]he people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, ...” and the Fourth Amendment to the Constitution of the United States similarly mandates that, “[*t*]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, ...”; and,

**Whereas**, no government, federal, state or local, can function without the consent of the governed; and,

**Whereas**, the City has the constitutional obligation to safeguard the rights of its residents and visitors by requiring the same of its own employees; and,

**Whereas**, a number of citizens have impressed upon City Council the inviolability of the rights reserved to them in the Declaration of Rights in Article I, Sections 2, 8, and 26 of the state Constitution by operation of Article I, Section 25 of the same;

**Whereas**, after several years of increased deadly interactions between the African-American residents of this City and police, in 1996, the citizens demanded the establishment of an independent citizen police review board; and,

**Whereas**, the citizens pleaded with City Council in 1996 to help them but this request was met with deaf ears, as Council failed to take action on legislation which would place before the voters an amendment to the Home Rule Charter to establish an independent review panel; and,

**Whereas**, a number of Councilmembers and hundreds of citizens collected the necessary number of signatures to force a referendum to amend the Home Rule Charter by way of voter initiative, which, after legal action by the Fraternal Order of Police to defeat the petition, was allowed to proceed by the Courts, and 57% of the citizens voting gave their approval; and,

**Whereas**, in the almost 23 years since its establishment, the Citizen Police Review Board (“CPRB”) has worked tirelessly to achieve its mission to bring transparency and accountability to policing in this City and improve police-community relations; and,

**Whereas**, changes in the law, binding arbitration decisions and unfavorable Court rulings have worked to frustrate the purposes for which the electors successfully amended their Charter; and,

**Whereas**, the citizens of this City are again asking City Council to help them in protecting their constitutional rights; and,

**Whereas**, the public demands equitable, lawful treatment under the law by police officers and the abovementioned state and federal constitutional obligations in addition to the constitutional right of the electors to alter or reform their government to ensure that the City’s constitutional obligations are met and the right of the residents of the City to initiate the process of amending their Charter either by petition of the City’s electors or by a successful demand to their representatives on City Council to initiate the process by enacting an ordinance calling for the same is the genesis of this action; and,

**Whereas**, City Council has received precisely such a demand to enact an ordinance to place this question on the ballot in the November 2020 General Election, and City Council has resolved not to fail its friends, neighbors, loved ones and employers again.  
**Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Allegheny County Board of Elections is hereby directed to place before the qualified voters of the City of Pittsburgh at the 2020 November General Election a referendum question:

"Shall the Pittsburgh Home Rule Charter, Article Two, Executive, be amended and supplemented by amending and adding new language to Sections 229 and 230 and adding a new Section, 231, expanding the powers of the Independent Citizen Police Review Board to allow the Board to require police officers to participate in investigations, conducting performance audits of the Police Bureau and preventing the removal of Board members except for just cause and with City Council approval?"

**§ 228. - INDEPENDENT CITIZEN REVIEW BOARD.**

There is established an Independent Citizen Review Board, comprised of seven members reflecting Pittsburgh's diversity, for the purpose of receiving, investigating and recommending appropriate action on complaints regarding police misconduct and for the purpose of improving the relationship between the police department and the community. The members shall serve four year staggered terms and serve until the appointment of their successors. Four of the seven appointments shall be made from a list of nine nominations submitted to the Mayor by City Council. Members shall be residents of the City, shall not be employed by the City or any of its Authorities, and shall serve without compensation.

**§ 229. - POWERS OF INDEPENDENT CITIZEN REVIEW BOARD.**

The Board shall:

- a. Receive all complaints related to the conduct of any sworn member of the Pittsburgh Bureau of Police and shall investigate selected complaints filed by individuals alleging police misconduct;
- b. Establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation;
- c. Provide advice and recommendations to the Mayor and the Chief of Police on policies and actions of the Police Bureau, including recommendations on police training, hiring and disciplinary policies and specific recommendations of discipline for individual officers; provided, however, the Mayor and the Chief of Police shall retain full and ultimate authority to set disciplinary policies or take other actions deemed appropriate relative to the Police Bureau.
- d. Hold public hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith require the production of evidence relating to any other matter under investigation or any questions before the board and do all other things necessary to fulfill its purpose.
- e. The Board shall employ and supervise a staff including a solicitor, as necessary. The Board shall adopt procedures and rules necessary to fulfill its purpose.
- f. City Council may by ordinance adopt regulations to effectuate this Charter provision.
- g. With the Controller, jointly conduct performance audits of the Bureau of Police or its successor, notwithstanding any other provision of this Charter, whenever the Board and the Controller decide such joint performance audits are necessary.
- h. Be subject to fiscal audits by the City Controller whenever the Controller decides it is necessary.
- i. The Board and the Commission on Human Relations, its adjuncts or successors, shall develop protocols necessary to assure complaints alleging unlawful discriminatory conduct by sworn police officers are referred to the Commission on Human Relations for evaluation and disposition if the Commission finds probable cause to proceed.

**§ 230. - RESPONSE TO RECOMMENDATIONS OF INDEPENDENT CITIZEN REVIEW BOARD.**

- a. All officers and employees of the Bureau of Police, the Department of Public Safety, and the Office of Municipal Investigation, adjuncts or successors, shall participate in all investigations conducted by the Independent Citizen Review Board as required by the Board.
  1. This participation includes production of all officer statements and witness statements.
  2. The failure of any police officer to do so shall constitute just cause for discharge.
- b. Neither the Chief, Director of Public Safety, their successors nor the Mayor shall render a final disciplinary decision regarding an act of police misconduct subject to an active investigation by the Board until the Board submits its findings and recommendations to them. The foregoing shall not apply where the Board is unable to comply with the timing requirements applicable to the City by law or to ensure the public safety. Within thirty (30) days of submission of a recommendation by the Board to the Mayor and the chief of Police, they shall respond in writing as to whether such recommendations are accepted, rejected or will be implemented with modifications.

**§ 231. REMOVAL OF INDEPENDENT CITIZEN REVIEW BOARD MEMBERS**

Notwithstanding any other provision of this Charter the mayor may remove a Board member only for just cause as provided herein. The Mayor shall notify the Board and City Council, detailing the findings of cause. If the Mayor recommends removal, unless City Council, by a two-thirds (2/3) vote, disapproves this finding within ten (10) days of notification, the recommendation of the Mayor shall be final, and the Mayor shall cause the member's removal.

**Section 2.** City Council shall, upon completion of the legislative process, shall cause a copy of this ordinance to be filed with the Allegheny County Board of Elections pursuant to the Home Rule Charter and Optional Plans Law, 53 Pa.C.S.A. § 2961, et seq., as amended.

**Section 3.** The City Clerk is hereby authorized and directed, upon notification by the Allegheny County Board of Elections of the acceptance, by the Board, of the referendum question, to cause a copy of this ordinance along with a summary, approved by Council, to be sent by United States Mail to every registered elector in the City within thirty (30) days of the November 3, 2020 General Election, in addition to causing the same to appear on the City's website and sending, by electronic mail ("e-mail"), to any person who shall request a copy.

###