



Final  
12/01/20

## INDEPENDENT CITIZEN POLICE REVIEW BOARD

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### Minutes of the Regular CPRB Meeting Held on October 27, 2020 (Mtg. No. 227)

Online Zoom Webinar # 916 7093 0738

Pittsburgh, PA 15219

Neighborhood: Citywide

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Video of the meeting: [pending editing](#)

<p>Members Present:</p> <p>Dr. Emma Lucas-Darby Mr. Thomas C. Waters Vice Chair Dr. Mary Jo Guercio Mr. Elwin Green Sr. Patrice Hughes Ms. Karen McLellan, LEP</p> <p>Solicitor: Atty. William F. Ward</p> <p>Staff Present:</p> <p>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</p>	<p>Excused Members: Mr. Sheldon Williams, LEP</p> <p>Absent: All present/accounted for.</p> <p>Vacancy: None</p> <p>Excused staff: All present.</p>
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The entire meeting may be viewed here: [\(pending editing of meeting video\)](#)

Dr. Lucas-Darby, Chair, called the online Zoom meeting to order at approximately 6:03 p.m.

Dr. Darby recognized Board members as present or accounted for. Public comments and questions will be addressed at the end of the meeting.

Dr. Darby called for any changes to the minutes of the regular Board meeting conducted on September 22, 2020. No corrections or additions were needed and the minutes will stand approved as distributed for this meeting. Sr. Patrice asked if a formal motion on the meeting minutes was required and Dr. Darby replied that she attended a parliamentary workshop and clarified that a motion is not necessary if no changes or corrections are offered.

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

Dr. Darby announced that Governor Tom Wolf has appointed Executive Director Elizabeth Pittinger to the new [Pennsylvania State Law Enforcement Citizen Advisory Commission](#). This Commission is charged to address systemic issues in law enforcement that have created inequities and fostered mistrust of the police across the Commonwealth. Congratulations to Ms. Pittinger.

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

Ms. Pittinger congratulated Dr. Darby on being recognized as a UPMC Community Champion and said CPRB is grateful for Dr. Darby being on our Board.

Ms. Pittinger introduced Chief Scott Schubert and Assistant Chief Lavonnie Bickerstaff to discuss remedial actions taken by the Bureau following a controversial incident that occurred in October of 2018, at Kopy's Bar, on the Southside of Pittsburgh. The incident involved Pittsburgh Bureau of Police plainclothes officers, members of a motorcycle club, alcohol consumptions and a brawl. The incident received significant media coverage and is the subject of a lawsuit. The Board determined it was appropriate to convene a public hearing to exam the policies and procedures related to alcohol consumption and guiding the conduct of officers assigned to plainclothes details, inclusive of operational planning. The Chief extended himself and Assist. Chief Bickerstaff to the Board to discuss the changes implemented pursuant to the incident.

Chief Schubert acknowledged that the incident triggered an immediate assessment of policies, procedures, and practices in place at the time of the incident. Assistant Chief Bickerstaff assumed responsibility for all bar details and associated orders, policies & procedures. Organizationally, Chief Schubert reported that disciplinary actions were taken, the Commander was removed, and a new Commander assigned. Chief Schubert informed the Board that the Bureau is involved in a lawsuit thereby limiting his ability to speak to the specifics of the incident. Chief Schubert asked if the Board had any specific areas of inquiry that he and Assist. Chief Bickerstaff could address.

Ms. Pittinger enumerated the following specific areas of interest related to remedial actions implemented:

- Consumption of alcohol by officers while on duty (Gen Order #17-10 at the time of the incident provided no qualification or redirection to another policy or guidance for plainclothes assignments in which alcohol consumption may be necessary for cover. The consumption of alcohol in the subject incident was in contradiction with the order existing at the time of the incident)
- Use of Force (plainclothes as well as the uniform officers that responded at the end of the incident)
- Controls on the kind of activities the officers engage in
- Devolution of law enforcement powers of officers that have been consuming alcohol.
- What kind of backup and operational plans have been put in place and under what conditions.
- Pre and post assessment of the officers on a bar detail.
- The known officers, were they the original officers assigned to the detail, was this part of a nuisance bar task force or was there a tip that there was drug activity at that location.

- Are operational plans required for bar details, for plainclothes details.
- What are the supervisory debriefings when an officer returns from a detail.

Assistant Chief Bickerstaff informed the Board that revised policies are in place regarding alcohol consumption and illegal drugs (Gen. Order # 17-10 and the Standards of Conduct). The PBP re-evaluated their strategic plans and operational strategies that were in place at the time of the incident. Assist. Chief assured the Board that moving forward, every detail involving bar investigations must have an operational plan that is reviewed and approved by a supervisor. Supervisors will now accompany the detail team or be a part of the backup team along with an arrest team. Detectives can appear to be drinking but are not drinking and they are not allowed to have more than two alcohol beverages in a four-hour period and are not allowed to drive.

Q: Can the Q&A in the chat be seen?

A: Yes, but we want to hear questions from the Board first.

Q: Please clarify “new policies and procedures were put in place to not challenge”?

A: A lot of stop gaps are in place so that there will not be any issue of detectives placed in a position that they consume more alcohol than is allowed.

Q: Why two drinks in four hours?

A: When working undercover you don't want to blow your cover so you give the illusion that you are drinking and not an officer on a detail.

Question from the attendees:

Q: Why were the undercover officers in that bar initially? It was said it was a random stop for the Bikers. Why did the intoxicated Officers target the Bikers?

A: Assistant Chief Bickerstaff responded that because of the pending litigation she will not be able to answer the question specific to the incident.

Q: Have any policies come out of this related to destroying evidence?

*Clarifying: Ms. Pittinger responded that she thinks that comment is referring to the confiscation of the surveillance equipment removed from Kopy's Bar by PBP.*

A: Chief: I would love to answer the question but it is a part of the lawsuit.

Q: It was asked about the pre and post assessment for alcohol level?

A: Officers should not be drinking before a detail and the baseline is under .08 which is under the legal limit. There is not a test given when the officers return from a detail.

Q: if there is an arrest to be made, are the officers who are assigned to the detail, are there circumstances within the policy that they would not be the arresting officer and that someone else would affect an arrest?

A: Officers are usually not there to get an arrest but to gain probable cause for arrest warrants or search warrants for the establishment. There is a backup team to come (in the policy now) and make those arrests.

Q: Why aren't the officers tested before and after a detail.

A: Since Covid 19 there has not been a bar detail surveillance but they would consider testing. No member of the PBP is permitted to come to work after consuming alcohol.

Q: When a District Attorney doesn't believe your officers are credible, and cannot testify how do you deal with it.

A: if the officer is unable to be terminated, until the trust is gained, officers cannot make an arrest and always need to be accompanied while in the field.

Q: Since the trust in police has been damaged for many members of the community what efforts can be made to help improve and rebuild the trust in the community that this experience has tarnished and damaged.

A: Making changes when we see that there's shortfalls and being accountable for our actions. It's not one or the other it's the community and the police.

Q: How do you keep the public safe from officers with a history of excessive force who are not terminated but are put in other places?

A: Accountability and supervision

Q: Are we to conclude that by putting them in other places, there is more supervision and monitoring of the behavior?

A: We take disciplinary actions against officers and they do fall under a contract with the Fraternal Order of Police. Officers have some level of rights as well through the arbitration process but it is holding people accountable.

Q: Are plain clothes officers required to wear body worn cameras?

A: They are required to wear them when they're doing search warrants, arrest warrants and things like that but with the clothing plainclothes' wear and assignments they do, they can't wear body worn cameras on a daily basis.

Conversation with Chief Schubert and Assistant Chief Bickerstaff concluded, and they were thanked for their time and discussion.

Pittinger reported the following meetings: Amnesty International Group 39 on 10/27/20; Penn State Civilian Oversight Study Group 10/22/2020; Citizen Police Academy 10/20/2020.

The Mayor's Task Force on Police Reform released its report on 10/19/2020 and included 16 recommendations. A copy of the report was sent to Members.

The Densus Contract legislation was introduced in City Council on 10/27/2020. It is scheduled for Committee review on 11/2/2020 with final vote expected 11/9/2020.

Several City Council Members individually posted videos explaining the Referendum on the City's YouTube Channel and social media. A short video explaining the Referendum was posted on the CPRB YouTube channel and associated social media.

Mr. Waters asked if the Board could receive a preliminary report from the protest outside of the Target store in East Liberty. Ms. Pittinger said yes. David said he will extract a summary and provide it as a file.

### **Unfinished Business:**

Status of the Densus report was covered in the Executive Director's report.

### **New Business:**

Adopt Meeting Calendar for 2021

Mr. Waters asked that the Google drive be reorganized using standardized naming of files.

### **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.

### **Next Meeting**

Dr. Darby announced the time and location of the next Board meeting: Tuesday, December 01, 2020, at 6:00 p.m. via Zoom. The meeting link will be posted on the cprbpg.org website and Face Book page.

**Public Comment:**

Public comment may be viewed here: pending editing of meeting video

The entire meeting may be viewed here: pending editing of meeting video

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

Respectfully Submitted,



Stephanie M. Dorman  
Assistant Executive Director

Attachments (1):

1. 10/27/2020 Case Review Agenda

## FINAL CASE REVIEW AGENDA 10/27/2020

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
<b>PUBLIC HEARING (0)</b>				
<b>FULL INVESTIGATION (1)</b>				
197-20 Bridgett	Conduct Unbecoming a Member 16-01 (3.6) Neglect of Duty 16-1 (3.13)	The Cx alleges that on several occasions the SOs would not remove a female squatter (W#3) from her house and nothing is being done.	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.
<b>30 DAY EXTENSION OF FULL INVESTIGATION (9)</b>				
041-20 Ellwood	Use of Force 12-6 Continuum of Control 12-08	Cx alleges that SOs used excessive force in their arrest of them during a domestic violence call to Cx daughter's home.	Authorized 30-day extension 6-0	More time is needed for the investigation
057-20 Ellwood	Biased Policing 11-03 Conduct Unbecoming 16-01, (3.6) Use of Force 12-06	Cx alleges that the SO is harassing her and falsely arrested her.	Authorized 30-day extension 6-0	More time is needed for the investigation
122-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Use of Force 12-6	The Cx alleges that a PBP mounted patrol officer kicked her in the back during a protest near the PPG Paints Arena and the encounter was captured on video.	Authorized 30-day extension 6-0	More time is needed for the investigation
130-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Property Room Procedures 36-	The Cx states that she was arrested at a protest on 5/30/20 and her personal items including a messenger bag were not returned.	Authorized 30-day extension 6-0	More time is needed for the investigation
138-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7) Neglect of Duty 16-1 (3.13) Use of Force 12-6 (3.2)	The Cx alleges the SO used excessive force when he punched him in the face 3 times while he was trying to get his disabled daughter on the school bus.	Authorized 30-day extension 6-0	More time is needed for the investigation
150-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 Use of Force 12-6 (3.2)	The Cx alleges that the SO arrested her for having an open container of beer in her vehicle after she hit the car in front of her.	Authorized 30-day extension 6-0	More time is needed for the investigation

CPRB CASE NO. INVESTIGATOR	ALLEGATION(s)	SUMMARY	RECOMMENDATION	RATIONALE
170-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.07) Neglect of Duty 16-1 (3.13)	The Cx alleges the SO refused to file charges against her neighbor for harassment that has taken place over a period of time.	Authorized 30-day extension 6-0	More time is needed for the investigation
190-20 ED Gamble	Unbiased Policing 11-3 (4.1) Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7)	Executive Director was notified by OMI Manager that an anonymous complaint from January 2020 was received by OMI on 8/25/20.	Authorized 30-day extension 6-0	More time is needed for the investigation
199-20 ED Gamble	Use OF Force 12-06, (3.0) Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7)	Executive Director has authorized an investigation into an incident that took place at the Squirrel Hill farmers market on September 6, 2020 when the Victim was arrested by the SO after a confrontation about the SO's face mask.	Authorized 30-day extension 6-0	More time is needed for the investigation
<b>UNSUSTAINABLE (0)</b>				
<b>UNFOUNDED (4)</b>				
037-20 Ellwood	Use of Force 12-6 Continuum of Control 12-8 Taser 12-13 Towing 41-04	Cx alleges that his vehicle was towed improperly from private property during the amnesty period for vehicle registration and other DMV transactions during the COVID 19 closures.	Dismissed as unfounded 6-0	The available evidence does not support
072-20 Ellwood	Biased Policing 11-03 Conduct Unbecoming 16-01, (3.6) Use of Force 12-06	Cx alleges the SOs came to her rented condominium and tried to evict her.	Dismissed as unfounded 6-0	The available evidence does not support
136-20 Bridgett	Reports 40-19	Cx alleges the SOs were dismissive and disrespectful when she was assaulted by another female.	Dismissed as unfounded 6-0	The available evidence does not support
182-20 Ellwood	Conduct Unbecoming 16-01, (3.6) Conduct Towards the Public 16-01, (3.7)	Cx alleges that SO, her husband is harassing her over email text.	Dismissed as unfounded 6-0	The available evidence does not support

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
<b>NEW SUSPENSIONS (1)</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.	Authorize suspension until <del>October 2020</del> December 2020 6-0	Waiting to speak with the complainants.
<b>OTHER (0)</b>				

**CONTINUED SUSPENSIONS UPDATES (15)  
SUMMARIES PROVIDED UPON REQUEST**

<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

<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>REASON FOR CONTINUED INVESTIGATION</b>	<b>POSSIBLE CLOSING DATE</b>
094-19 Bridgett	Conduct Unbecoming A Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7)	Waiting on SO statements.	TBD
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
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
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

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
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

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