



**INDEPENDENT CITIZEN POLICE REVIEW BOARD**

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**Minutes of the Regular CPRB Meeting Held on February 23, 2021 (Mtg. No. 230)**

Online Zoom Webinar # 863 8648 5694 - You Tube: cprb pgh

Pittsburgh, PA 15219

Neighborhood: Citywide

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Video of the meeting: <https://cprbpgh.org/2779>

<b>Members Present:</b> Dr. Emma Lucas-Darby Mr. Thomas C. Waters Vice Chair Dr. Mary Jo Guercio Mr. Elwin Green Sr. Patrice Hughes Ms. Karen McLellan, LEP Mr. Sheldon Williams, LEP  <b>Solicitor:</b> Atty. William F. Ward  <b>Staff Present:</b> 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	<b>Excused Members:</b>  <b>Absent:</b>  <b>Vacancy:</b> None  <b>Excused staff:</b> All present.
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The entire meeting may be viewed here: [Independent CPRB Meeting 02/23/2021](https://cprbpgh.org/2779)

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

Dr. Lucas-Darby recognized all Board members present. Public comments and questions will be addressed at the end of the meeting.

Dr. Lucas-Darby called for corrections or additions to the minutes of the Board meeting conducted on February 23, 2021. No corrections or additions were heard, and Dr. Lucas-Darby declared the minutes approved as distributed. The online meeting was briefly interrupted by technical difficulties but resumed at approximately 6:24 p.m. Dr. Lucas-Darby thanked everyone for their patience.

**Opening remarks by Chair:**

No opening remarks

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

Ms. Pittinger apologized for the technical difficulties and informed the Board and public that a notice was posted on Facebook directing interested parties to the meeting's livestream on the YouTube Channel, cprb pgh. The Executive Director's report is attached and made part of the minutes.

Ms. Pittinger introduced Tim Stevens as an invited guest speaker.

Mr. Stevens congratulated Dr. Lucas-Darby and Members for their stamina and asked that they stay the course as volunteers to their community doing especially important work. Mr. Stevens warmly acknowledged the presence in the audience of Mr. Mark Ozark and reflected on their many years of working together and developing the Black & White Reunion.

Mr. Stevens emphasized that police reform and police accountability remain high priority issues in the community and he reported on the several meetings he and Ms. Pittinger have attended together. He chronicled the reforms achieved or underway since February 2020 and referenced the report issued on December 28, 2020 documenting that progress. That report was distributed to Members previously. He confirmed that the Mayor has committed to 20 distinct reforms and to meet every six weeks with B-PEP and community members (including Pittinger) to review progress on those and additional reforms. These are separate and in addition to the goals established by the Mayor's Task Force on Police Reform, of which he was a member. Mr. Stevens directed the Board to the report issued by the Task Force ([Report-Task Force Police Reform](#)).

Mr. Stevens recounted discussions among Task Force members, community, and administration representatives regarding disparities in the hiring and retention of police officers. He conveyed ideas related to recruitment and selection processes and was optimistic about implementation and continuing discussion.

Mr. Stevens applauded Chief Schubert's pilgrimage through all of the City's neighborhoods to talk to people on the streets as a means to become more engaged with the citizens, to narrow the distance between the community and police and more particularly, black youth and the police.

Dr. Darby commended Mr. Stevens' initiative and commitment to actively participate in police reform and his overall contribution to community enrichment.

**Q:** How would you, Mr. Stevens, recommend the public get involved in police reform?

**A:** Do what Mr. Ozark has done for many years, get involved in something and stay the course. B-PEP meets every second Thursday for a couple of hours (link: [B-PEP](#)) and the Coalition Against Violence meets every third Tuesday at noon (link: [CAV](#)). The Corporate Equity Inclusion Roundtable that deals with the equity of black people in terms of employment from entry level to the C suite and support for black entrepreneurs (link: [CEIR](#)). We received a commitment today from the Penguins to accept our Corporate Equity initiative also from the YWCA of Greater Pittsburgh and also from the President of the Allegheny Bar Association who will share our document with her staff.

Mr. Steven's presentation may be viewed here: [Independent CPRB Meeting 02/23/2021](#)

Pittinger reported on a change to warrantless searches of vehicles in Pennsylvania. Pursuant to a PA Supreme Court ruling on December 22, 2020, police must have probable cause to believe a crime has been, is being or is about to be committed AND an emergency circumstance that requires immediate action. This article describes the change: [Inquirer Article](#) and the Court decision is here: [Court Opinion](#). The information will be posted on the website.

CPRB's website has migrated to a new internet hosting service, with a much faster server and is mobile friendly. The website is currently being rebuilt.

### **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.

Ms McLellan clarified a typo that there were five investigations for a thirty-day extension, not four. Ms. Pittinger acknowledged that she moved a case to thirty-day extension and did not correct the number of cases in that group.

**Q:** Why is the summary for #248-17 not included in our packet?

**A:** The summary was included under the category of "other".

**Q:** Is this the one that was widely televised? The Arena one?

**A:** Yes. (A procedural discussion ensued regarding disposition of cases when there is no victim or systemic deficiency or other means by which the incident can be examined objectively.)

Mr. Williams expressed his concern that when such an egregious situation as in #248-17 occurs, the public's interest is heightened, and a resolution must be reported to the public. He recognized that without a victim, a case is likely unsustainable, but the Board should re-assure the public that there was some accountability and that it was reasonable.

Ms. Pittinger commented that when the incident happened, she went directly to the Chief and was assured that the incident was under internal investigation. Subsequently, the subject officer was separated from the Bureau.

When Investigators initially followed up with the victim, neither he nor his wife would talk to Investigators until they engaged a lawyer. Their lawyer informed Investigator Gamble that they were not interested in pursuing anything with the CPRB. The victim's wife seemed more inclined to discuss the incident but then the communication stopped all together. We are recommending dismissal as "other", not "unsustainable". It is not necessarily "unsustainable" or "unfounded", but we cannot have a public hearing because we do not have a victim and we don't have an accused.

Ms. McLellan commented there is nothing we can do if we don't have a victim. Mr. Waters replied that we could still have recommendations for the Chief, perhaps not surrounding that officer specifically, but around a variety of issues. There is a possibility that we could have recommendations even without an officer.

Dr. Darby replied that one way to address Mr. Williams' concerns is to produce a white paper and have that available on CPRB's website or for anyone who wants to talk to us about it and also recommend the report to the Chief. Pittinger suggested that in cases like #248-17, the Board could consider conducting fact-finding hearings designed to be investigatory, leading to a determination of cause to proceed on an investigation or to prepare a public report on the particular incident.

Dr. Darby commented that she did not want the recommendation to be lost in terms of what the Board could do to make sure no case on the investigative list is not acted upon in some way by the Board. To that end, Ms. Pittinger reminded the Board that she initiated the complaint in #248-17 and does so in cases where no complainant or victim comes forward but an incident merits Board attention.

Ms. McLellan opined that while we have a complainant, we do not have a victim or subject officer to evaluate. The Board could examine police procedure, but can we speak credibly to procedural matters if we can't examine the incident. She sees a fine line between where we are, what we can do and stepping outside of our jurisdiction to people and things that are no longer available to us.

Mr. Williams commented that it is for the good of the public and it is worthy of discussing or at least having something on record as it is in the public's interest. Mr. Williams was not suggesting that there was an infraction, but expressed that you can't just leave stuff that shocks the conscience of people who are viewing it (as in #248-17).

Ms. McLellan commented that she agreed with Mr. Williams one hundred percent; the Board needs to ensure that controversial incidents are investigated.

Dr. Darby commented that she appreciated the discussion and she would like it to continue. She would like the Board to develop further public confidence in the Board's work and that can be achieved through public processes such as discussed tonight.

Mr. Ward was asked about the parameters of executive sessions under the Sunshine Act. He replied that the Board may meet in an executive session to discuss certain matters but may not take a vote in an executive session; a vote on any matter must be taken in a public meeting.

Dr. Darby called for the vote on #248-17-ED, to dismiss as "unsustainable". Those in favor: 0. Those opposed: Mr. Waters, Mr. Williams, Dr. Guercio. Not voting: Sr. Patrice, Ms. McLellan, Mr. Green, Dr. Lucas-Darby. The motion failed.

A motion to dismiss #248-17-ED due to lack of cooperation from the victim was offered by Sr. Patrice and seconded by Mr. Williams. Approved: Mr. Green, Dr. Guercio, Sr. Patrice, Ms. McLellan, Mr. Williams. Opposed by Mr. Waters. The motion carried.

Mr. Waters asked about the CAD sheet in case #003-20, noting that the summary did not specify any details provided by the CAD sheet related to the victim's status upon police arrival or time on-scene. Investigator Ellwood responded that after speaking with the Medical Examiner, the CAD sheet was no longer necessary to understand the victim's status throughout police presence on-scene.

**Unfinished Business:**

No unfinished business

**New Business:**

No new business

**Next Meeting**

Dr. Darby announced the time and location of the next Board meeting: Tuesday, March 23, 2021, at 6:00 p.m. via Zoom. The meeting link will be posted on the cprbpgh.org website and Face Book page.

**Public Comment:**

No Public comment

Dr. Darby commented she appreciates the hard work from the staff, Mr. Ward and Ms. Pittinger and looks forward to continuing the discussion on advancing the Board's public examination of serious incidents.

Dr. Lucas-Darby concluded the meeting at approximately 7:27 p.m.

The entire meeting may be viewed here: [Independent CPRB Meeting 02/23/2021](#)

Respectfully Submitted,



Stephanie M. Dorman  
Assistant Executive Director

Attachments (2):

1. 02/23/2021 Case Review Agenda
2. Executive Director's Report

## CPRB CASE REVIEW AGENDA 2/23/2021

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
<b>PUBLIC HEARING (0)</b>				
<b>FULL INVESTIGATION (2)</b>				
019-21 Ellwood	Lost-Stolen-Abandoned Property 37.0 Evidence Handling 36-01, (6.0)	Cx alleges the SO arrested him after being told to leave Renewal, Inc. Cx alleges the SO took the female aggressors side and he was arrested.	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.
012-21 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Neglect of Duty 16-1 (3.13)	Cx alleges that she called 911 for a domestic dispute between her neighbors and when the SOs arrived they accused Cx of lying and making the incident up and were unprofessional during the incident.	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.
<b>30 DAY EXTENSION OF FULL INVESTIGATION (5)</b>				
252-20 Ellwood	Conduct Toward the Public 16-01 (3.7.1) Motor Vehicle Stops 40-04	Cx alleges the SO #1 pulled him over and detained him for an expired state inspection sticker that was valid	Authorized 30-day Extension 6-0	More time is needed for the investigation
247-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Use of Force 12-6 Conduct Towards the Public 16-1 (3.7) Truthfulness 16-1 (3.19)	The Cx alleges that she was arrested and is now facing several charges after she had an altercation with the SO where he damaged her vehicle.	Authorized 30-day Extension 6-0	More time is needed for the investigation
227-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Neglect of Duty 16-1 (3.13)	The Cx alleges that he called 911 several times about people parking in front of his driveway and nothing is being done.	Authorized 30-day Extension 6-0	More time is needed for the investigation
192-20 Ellwood	Unbiased Policing 11-3, 4.1.1 4.1.2 Use of Force 12-6, (3.1) Continuum of Control 12-8, (3.0)	Cx alleges the SO's racially profiled her son, the Victim. Cx states during a traffic stop the SOs punched the Victim in the face and pointed a gun at his head while using profanity towards him. Cx states the SOs also had the Victim's vehicle towed.	Authorized suspension until March 2021 6-0	Waiting for SO statements from OMI

<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>SUMMARY</b>	<b>RECOMMENDATION</b>	<b>RATIONALE</b>
225-20 Ellwood	Towing Procedures; Reasons for Towing 41-04.01 (11.0 Parking Violations)	Cx states that his vehicle was improperly towed and he was charged for the costs.	Authorized 30-day Extension 6-0	More time is needed for the investigation
<b>UNSUSTAINABLE (1)</b>				
248-17ED Gamble	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 (3.7) Use Of Force 12-6 (3.1)	Executive Director Inquiry has been opened into the alleged incident that occurred on September 19, 2017 outside of the PPG Paints Arena during a concert.	Dismissed as unsustainable 6-0	The only remaining officer on the case never touched the victim
<b>UNFOUNDED (5)</b>				
002-21 Ellwood	Conduct Toward the Public 16-01 (3.7.1) (2 Counts)	Cx alleges that PBP officers pulled her over illegally as she is a member of the Iroquois Confederacy of Aboriginal American People and is exempt from MV laws.	Dismissed as unfounded 6-0	The Cx is subject to the laws of the Commonwealth and required to have an operator's license to drive and to register a motor vehicle.
214-20 Ellwood	Conduct Toward the Public 16-1 (3.7.2)	Cx alleges that SO1 was unprofessional when she called her about a hearing.	Dismissed as unfounded 6-0	Evidence did not reveal a violation of policy.
204-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Truthfulness 16-1 (3.19)	The Cx alleged the SOs falsely arrested her for a PFA violation in which she alleges that she was never served the PFA by the Wilkinsburg PD, and she said the officers wouldn't tell her why she was arrested.	Dismissed as unfounded 6-0	The Cx was in violation of a PFA which was the probable cause for arrest.
003-20 Ellwood	Conduct Unbecoming 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Neglect of Duty 16-1 (3.13)	Cx alleges that the SO and other unknown PBP officers contributed to and have not done anything to investigate her son's death (the Victim) that occurred in April 2019 at her home.	Dismissed as unfounded 6-0	Evidence revealed that the homicide victim was beyond help upon arrival of responding officers. The homicide investigation remains open.
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)	The Cx alleges the SO neglected his duties and acted inappropriately when responding to a 911 call for harassment at a park.	Dismissed as unfounded 6-0	The evidence revealed inconsistencies in the complaint and associated events. The SOs conduct did not rise to misconduct.

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CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
OTHER (0)				
SUSPENSIONS (2)				
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 suspension until March 2021 6-0	Waiting for SO statements from OMI
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 alleging that the SO addressed a Transgender woman, the Victim, in an unprofessional manner during an altercation.	Authorized suspension until March 2021 6-0	Waiting for SO statements from OMI

\*\*\*Suspensions follow\*\*\*



<p style="text-align: right;"><b>CONTINUED SUSPENSIONS (14)</b></p> <p style="text-align: center;"><b>SUMMARIES PROVIDED UPON REQUEST OF MEMBER</b></p>			
<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>REASON FOR CONTINUED INVESTIGATION</b>	<b>POSSIBLE CLOSING DATE</b>
150-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 Use of Force 12-6 (3.2)	Need more clarification on why the SO didn't complete the Subject Resistance Form	TBD
130-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Property Room Procedures 36-2	Waiting on a follow up with the Asst. Chief	TBD
112-20 Bridgett	Unbiased Policing 11-3 Conduct Unbecoming a Member 16-1, (3.6) Conduct Toward the Public 16-1, (3.07)	Waiting on SO statements	TBD
005-20 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
003-20 Ellwood	Conduct Unbecoming 16-1 (3.6) Conduct Toward the Public 16-1 (3.7) Neglect of Duty 16-1 (3.13)	Waiting on SO statements	TBD
016-19 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
029-19 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
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
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)	Waiting on the Cx and her attorney.	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
<b>CPRB CASE NO. INVESTIGATOR</b>	<b>ALLEGATION(S)</b>	<b>REASON FOR CONTINUED INVESTIGATION</b>	<b>POSSIBLE CLOSING DATE</b>
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
230-19 Ellwood	Warrantless Searches and Seizures 45-2 (10.0) Use of Force 12-06 Motor Vehicle Stops 40-04 (03.2, 03.4)	Waiting for transcripts of BWC from OMI	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
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

Thank you, Madam Chair. Good evening Members.

Last month, Solicitor Ward provided a legal background on search warrants and MPO Steve Mescan provided a perspective on operational and tactical execution of warrants. Their presentations and discussion may be viewed on the You Tube channel, cprb pgh, for the 1/26/21 CPRB meeting.

This month we wanted to provide a community view on relations between the community and police. Among the many community groups seeking government reform and specifically, police reform, is Stop the Station. We invited Jalina McClarin, an organizer and founder of Stop the Station, to be the guest presenter at tonight's meeting. Ms. McClarin withdrew on Friday. On Saturday the group convened a community conference during which a resolution was adopted in which the integrity of the CPRB was disparaged. That resolution was distributed to Board members. Perhaps in the future Ms. McClarin or a representative of Stop the Station will join us to discuss their concerns with the CPRB and the process that was enhanced by the electorate in November's election.

We recognize that cultural change is tedious, takes time and a lot of pushing, pulling, tugging and kicking. This Board & the Bureau of Police have pushed and pulled for almost 23 years. Throughout this endeavor, there has been a constant and consistent influence promoting fairness, equity and accountability emanating from a stalwart partner, critic and passionate activist, Tim Stevens. For more than 50 years Mr. Stevens has demonstrated his unwavering fidelity to community well-being and systemic accountability. Whether as a president of the Pittsburgh Unit of the NAACP, the coordinator of volunteers in a mental health facility, a father, a member of the Mayor's Task Force on Police Reform, the founder of the Black & White Reunion, the founder, president and CEO of the Black-Political Empowerment Project generating the Corporate Equity & Inclusion Roundtable and the Coalition Against Violence, Mr. Stevens' servant heart is apparent. I welcome him tonight to provide a perspective on the progress of police reform in the City of Pittsburgh.

Tim's Presentation.

My report follows.

1. The Densus review of community/police interactions during protests last May 30-6/1/20 is underway. We anticipate a preliminary report to the Board at the March 23, 2021 meeting.

2. The Kopy's Bar report remains open. A review by our special prosecutor's office was delayed due to unforeseen circumstances. We anticipate submission of the completed report at the March meeting. I realize this is a disappointment but circumstances during this time are unpredictable.
3. The performance audit by the City Controller's office remains underway.
4. 2/4/21, 11:00 – 12:15 pm: attended event "Policing with Dichotomous Worlds: Black Law Enforcement/Black Lives Matter" California University, Criminal justice associate professor Dr. Mathilda Spencer moderated. A panel discussion among members of NOBLE, the Organization of Black Law Enforcement Executives. Participants are Aaron Allen, a corporal from the Pennsylvania State Police Heritage Affairs Section; Lavonnie Bickerstaff, Pittsburgh Bureau of Police assistant chief and NOBLE Pittsburgh chapter president; Regina Scott, deputy chief, Los Angeles Police Department; and Paris Pratt, assistant special agent in charge, Drug Enforcement Agency.
5. 2/4/21 12:00 – 1:00 pm: "Policing in Pittsburgh: Where We Are Now". University of Pittsburgh Hosting the event: Paula Davis, MA Associate Vice-Chancellor Office of Health Sciences Diversity, Equity & Inclusion, Schools of the Health Sciences; Abe Perez MS Associate Program Implementation Specialist University of Pittsburgh, School of Pharmacy, Program Evaluation and Research Unit (PERU). Panelists Chief James K. Loftus University of Pittsburgh; Police Commander Eric Holmes City of Pittsburgh Bureau of Police; Deputy Chief Holly A. Lamb University of Pittsburgh Police; Beth Pittinger Independent Citizen Police Review Board; David A. Harris University of Pittsburgh School of Law.
6. Following the January 26, 2021 meeting, in response to Mr. Waters' request for additional information on basic police training, Inv. Ellwood compiled material, including the standard curriculum from the MPOETC, that was distributed to Members. If additional information is desired, please send an email or call.