

CPRB CASE REVIEW AGENDA 4/27/2021

Action Date:
4/27/2021

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (0)				
FULL INVESTIGATION (6)				
041-21 Bridgett	16-1 (3.6.) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public 16-1 (3.13) Neglect of Duty	The Cx alleges that on several occasions she tried to have the PBP assist her with the harassment she received from her neighbor W#3 and instead of taking reports, she has been the one charged with harassment.	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.
040-21 Ellwood	12-06(5.0) Use of Force	Cx alleges that her son, the Victim, was shot and killed by the SO on March 5, 2020, during a traffic stop.	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.
039-21 Bridgett	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Towards the Public 12-06(5.0) Use of Force	The Cx alleges the SO removed his service weapon from his holster and pointed it at his head.	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.
038-21 Ellwood	44-1(4.0) Arrests-Physical, Summons, or Warrant 12-06(5.0) Use of Force	Cx alleges that he was arrested while trying to enter his home while the SOs were serving a search warrant to obtain video from his surveillance system from a homicide that happened in his neighborhood.	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.
022-21 Ellwood	16-01(3.7) Conduct Toward the Public. 40-19(5.1.5) Mandatory Reports By Bureau Policy	Cx alleges the SOs #1 and #2 were disrespectful and took a 'false reports' from the neighbor that was against her.	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.
008-21 Bridgett	16-1 (3.6) Conduct Unbecoming a Member 10-1 Code of Ethics	The Cx alleges the SO began a romantic/sexual relationship with her girlfriend after he responded to a call where she and her girlfriend were assaulted	Authorized full investigation 6-0	Preliminary evidence provides cause to advance the investigation.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
30 DAY EXTENSION OF FULL INVESTIGATION (2)				
031-21 Bridgett	16-1 (3.6) Conduct Unbecoming a Member) 16-1 (3.7) Conduct Towards the Public 16-1 (3.13) Neglect of Duty	The Cx alleges the SOs failed to investigate allegations against him and he ended up in jail for two months because the false reports violated his probation.	Authorized 30-day Extension 6-0	More time is needed for the investigation.
028-21 Bridgett	16-1 (3.6.) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public 12-6 Use of Force	The Cx alleges the SOs used excessive force against her when the Resolve Crisis Center was trying to 302 (Involuntary Commitment) her.	Authorized 30-day Extension 6-0	More time is needed for the investigation.
UNSUSTAINABLE (1)				
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.	Dismissed as unsustainable 6-0	Investigator is unable to prove or disprove the Cx's allegations.
UNFOUNDED (3)				
033-21 ELLWOOD	41-04.01-Towing-Procedures-Reasons-for-Towing	Cx alleges she called to have an illegally parked car towed and the SO would not tow the vehicle.	Dismissed as Unfounded 6-0	There is not a restriction of flow on the street based on the photographic evidence provided by intake as well as the Cx herself.
030-21 Ellwood	16-01(3.7) Conduct Toward the Public 53-01 Court Appearances	Cx alleges the SO has not notified the Victim of the defendants preliminary hearing.	Dismissed as Unfounded 6-0	There is no PBP policy that PBP officers notify their victims of upcoming court dates.
013-21	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public	The Cx stated that he was pulled over on 01/08/2021 for driving with a suspended license and was given a citation.	Dismissed as Unfounded 6-0	The evidence doesn't support any wrongdoing or PBP being violated

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OTHER (1)				
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)	Investigator is inquiring whether the SO was disciplined by the administration.	Accepted Request to Withdraw 6-0	The Cx and her attorney would like to withdraw the complaint.
SUSPENSION (1)				
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)	The Cx alleges that she called 911 for a domestic dispute between her neighbors and when the SOs arrived they accused her of lying and making up the incident.	Authorize suspension until May 2021	Waiting for SO statements from OMI

Suspensions follow

CONTINUED SUSPENSIONS (14)
SUMMARIES PROVIDED UPON REQUEST OF MEMBER

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
252-20 Ellwood	Conduct Toward the Public 16-01 (3.7.1) Motor Vehicle Stops 40-04	Waiting for SO statements.	TBD
247-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Conduct Towards the Public 16-1 Use of Force 12-6 (3.2) Truthfulness 16-1 (3.19)	Police Criminal Complaint was received on 04/13/2021 and is being reviewed.	TBD
225-20 Ellwood	Towing Procedures; Reasons for Towing 41-04.01 (11.0 Parking Violations)	Waiting for SO statements.	TBD
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	Waiting for SO statements.	TBD
130-20 Bridgett	Conduct Unbecoming a Member 16-1 (3.6) Property Room Procedures 36-2	Waiting on a follow up with the 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 for the Daily Activity Log/ Running Sheet	TBD
006-20 Ellwood	Crash Response Investigations and Reports 41-03 (3.3.6, 3.4.4, 4.1.1, 4.1.3)	Outstanding details must be resolved	MAY 2021
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

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
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
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	Reviewing SO statement.	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
016-19 Bridgett	Conduct unbecoming a member 16-1 (3.6) Neglect of duty 16-1(3.13)	W#1 has not been apprehended. The DAs office will prosecute when W#1 is arrested.	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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April 20, 2021

Hon. Rich Fitzgerald, Chief Executive
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Pittsburgh, PA 15219

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Allegheny County Police Department
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South Park Township, PA 15129

William P. Mullen, Sheriff
Allegheny County
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Pittsburgh, PA 15219

Hon. Bill Peduto, Mayor
City of Pittsburgh
512 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Wendell Hissrich, Director
Department of Public Safety
City of Pittsburgh
516 City-County Building Pittsburgh, PA 15219

Scott Schubert, Chief
Pittsburgh Bureau of Police
1203 Western Avenue
Pittsburgh, PA 15233

Dear Chief Executive Fitzgerald, Supt. Hearn, Sheriff Mullen, Mayor Peduto,
Safety Director Hissrich and Chief Schubert:

We are at a crossroads in America with regard to race and policing, and it is time for some immediate changes in policies and procedures to help counter the tide of dangerous, and at times fatal interactions between citizens and police. Far too frequently these interactions are between African American and Hispanic males with police. This pattern must stop, and it must stop now!

On Sunday, April 11th in Brooklyn Center, a suburb of Minneapolis, Minnesota, a twenty-year-old Black man, Dante Wright, who apparently had an expired registration, was shot to death by a police officer during a traffic stop. The New York Times reported that expired

registrations has been an issue for many drivers in the state during the coronavirus Pandemic. Ironically, this tragedy took place within about ten miles of where the trial was taking place for Derek Chauvin, the fired police officer accused of murdering George Floyd in possibly the most horrific televised murder by police of a Black man in the history of the nation. The George Floyd interaction with police began over a transaction which might have included a counterfeit \$20.00 bill.

With regard to the death of Dante Wright a Minneapolis civil rights lawyer and a member of the Minneapolis Police Conduct Oversight Commission, Abigail Cerra, said that it was unclear why the officers stopped Dante Wright for an expired registration, "...but that two aspects of the case were infuriatingly familiar: that Mr. Wright was Black, and that the police tasked with delivering him safely to the courts, where violations of the law are supposed to be adjudicated, effectively delivered a death sentence...It's just another example of a nothing offense escalated to lethality".

On Sunday, April 11, 2021 a traffic stop, which occurred in December 2020, was disclosed to the public which involved Black and Latino Second Lieutenant in the U.S. Army Medical Corps, Caron Nazario, while wearing his army uniform, was totally humiliated by Windsor, Virginia police officers when stopped due to what the officers believed was a missing license plate. As it turned out, the temporary plate was in the rear window of the car the entire time, however according to a BBC report, was visible in the bodycam video. The officers immediately pulled their guns and began screaming at the top of their lungs at U.S. Army veteran. Mr. Nazario had his put his hands out of the driver side window, but was pepper-sprayed while sitting in his car. He was handcuffed and knocked to the ground with "knee-strikes", according to Mr. Nazarios' lawsuit against the Windsor Virginia Police Department. Before the incident was over Lt. Nazario was in tears. At one point in the interaction Nazario said: "I'm honestly afraid to get out" One of the officers replied: "Yeah, you should be". I personally found this level of disrespect and insensitivity on the part of the officers to this African American/Latino servant of this nation absolutely sickening.

During the same week when America heard of the death of 20-year-old Dante Wright, and the incident involving Lt. Nazario, we then heard of the March 29, 2021 death of 13 year old Adam Toledo killed by a Chicago police officer.

According to a Chicago Tribune report Craig Futterman, a University of Chicago law professor who specializes in police accountability issues stated: "He stops and he turns and he begins to ...put up his hands, empty hands toward the officer...He was in the act of complying with what precisely the officer asked him to do. ..."One of the questions asked was the teen even given a chance to comply with the officer's commands? An attorney representing Adam Toledo's family, Adeena Weiss Ortiz said: "The officer is trained to not to shoot somebody unarmed. He is trained to look, he is trained not to panic." The Chicago Tribune also reported that Adam Bercovici, a former Los Angeles police lieutenant noted that the police officer was by himself when he ran after Adam Toledo, which Bercovici called a 'tactical error'. He went on to state the "...When you do pursue a suspect by yourself and you're alone, and you get into a confrontation, there's a likelihood that deadly force is going to happen". It was also his opinion that foot-pursuit policy for Chicago cops could have prevented the shooting of Adam Toledo. He went on to state: "The basics behind training is don't put yourself in a position where you have to use deadly force". Sheila Bedi, a civil rights attorney from Northwestern University's Pritzker School of Law said 'Under model policies, Toledo would not have been pursued at all. The idea that good policing requires officers to engage in a foot pursuit in places with poor visibility, ignores the realities of what we know about the realities of foot pursuits – that police have a whole lot of other tools at their disposals". In 2016 a Chicago Tribune investigation found that from 2010 through 2015, foot chases played a role in more than a third of the 235 shootings in which someone was wounded or killed by Chicago police. Chicago Mayor Lori Lightfoot said: "Foot pursuits put everyone involved at risk the officers, the person being pursued and bystanders." BPEP is strongly suggesting the details in the death of Adam Toledo be fully examined by all area police departments for the purposes of fully reviewing their foot-pursuit policies in order to avoid such tragedies as what occurred with 13 year old Adam Toledo.

According to an article from The New York Times of April 17, 2021, from their study of gun violence databases, since the testimony began in the case against former Minneapolis, Minnesota police officer Derek Chauvin, charged in the death of George Floyd, "...at least 64 people have died at the hands of law Enforcement nationwide, with Black and Latino people representing more than half of the dead". The average number of deaths, during this time, was more than three killings a day! The New York Times article goes on to state that these deaths "...are the result of domestic violence calls, traffic stops gone awry, standoffs and chases. The victims often behave erratically, some suffering from mental illness, and the sight of anything resembling a weapon caused things to escalate quickly". The article goes on to state that "since at least 2013, with a slight dip because of the pandemic, about 1,100 people have been killed each year by law enforcement officers, according to databases compiled by Mapping Police Violence, a research and advocacy group..."

Miski Noor, the co-executive director of the Minneapolis-based activist group Black Visions, said in a statement after the killing of Daunte Wright that the pain of George Floyd's death "is still scarred into our minds and yet history continues to repeat itself...Our community has reached its breaking point". I personally think that Black America and Black Metropolitan Pittsburgh feels the same.

Ralph Bangs, Phd, formerly of the University of Pittsburgh's School of Social Work, the former Associate Director of the Center on Race and Social Problems, states that between 2013 and 2020 police in America killed Blacks at three times the rate of White even though the Blacks were 30% more likely than the Whites to be unarmed. In Pittsburgh 13.3% of the Black male, but only 3.5% of the White male driving-age population were involved in traffic stops in 2020, which shows a 3.8 to 1 ratio, Black to White. There was a 2.7 to 1 ratio in 2020 Black female to White Female (4.6% to 1.7%). Of those arrested 12.8% were Black males as compared to 3.4% White males, which demonstrates a 3.8 to 1 ratio, Black to White, nearly 4 to 1!

With the background in our hearts and minds of the death of George Floyd which occurred on Memorial Day, May 25, 2020, the Black Political Empowerment Project is calling upon all of our area police departments to fully review and update their use of force policies so as to hopefully avoid tragedies such as the death of Mr. Floyd. We realize that the Pittsburgh Bureau of Police has already begun this process, but we urge them to make that review even a higher priority.

With the death of 20-year-old Dante Wright and the police incident involving Lt. Caron Nazario began with so called 'routine traffic' stops due to problems with license plates, B-PEP is calling for change in local policies and procedures. We are calling for political leaders and the heads of police departments in Pittsburgh and Allegheny County do help prevent future unnecessary arrests and deaths resulting from what historically has been referred to as 'routine traffic stops.' The Black Political Empowerment Project is in fact urging all police departments in our area to take whatever steps are necessary to IMMEDIATELY suspend traffic stops for the following:

1. Out of date tags or plates
2. Broken taillights
3. Partially obscured license plates
4. Failure to use turn signals
5. Failure to stop at stop signs
6. Going through stop lights
7. Failure to obey 'yield' signs
8. Driving over the speed limit
9. Failure to slow down in and around construction sites
10. Passing in a 'no passing' zone
11. Failure to stop at a railroad crossing
12. Ignoring 'No U Turn' signs
13. Failure to stop for a pedestrian in a crosswalk

14. Failure to stop for school buses with flashing red lights

In addition, we call upon these same bodies to have an in-depth and exhaustive study of any other possible 'routine' stops by police that we may have missed which could be suspended. The Black Political Empowerment Project is suggesting that in lieu of traffic stops that a summons be sent to the driver to appear in Traffic Court to explain their actions, and for the magistrates to decide the appropriate action, be that dismissal of the case, a fine, or orders for certain time-oriented actions, such as by when a taillight would have to be repaired.

In our opinion these recommendations will significantly reduce the opportunities for negative interactions between citizens and police, and in turn, will provide much more time for police officers to investigate violent crime and other types of crime which might very negatively impact our communities. We feel that citizens and police will benefit having many fewer opportunities for interactions which can frequently be quite threatening, dangerous, stressful and emotional for all.

This past Saturday I encountered one of our volunteers with B-PEP and our Greater Pittsburgh Coalition Against Violence and we spoke of the recent negative and tragic encounters which have taken place across our nation. She happens to be Caucasian and lives in one of the suburbs of Pittsburgh. On Sunday, April 18th she sent me the following email: "Last October, my husband Matt and I traveled to Michigan for our anniversary. Driving through Ohio, I remember speeding past a well-hidden police vehicle, noticing them too late before slowing down. I was relieved when the police vehicle did not move from its location. A few weeks later, I received a speeding ticket by mail with an image of the back of my vehicle and details on my speeding violation I had zero interaction with any officer. I paid the fine well aware of being in the wrong. I appreciated not being stopped as it may have soured the beginning of our getaway. Never once did I fear for my safety. I have never feared for my safety, or my children's safety, when encountering a member of law enforcement. I have never entered my vehicle having to consider what items inside/outside may get me stopped by the police and if that possible interaction could lead to injury or death. This is my White privilege and why I volunteer with B-PEP and CAV. Why is my experience with the police different than those of my friends? Maybe it's time to end routine traffic stops. Maybe it's time to reform the police."

What B-PEP calls upon our area police departments to do is to help level the playing field. We are unfortunately at a time in this nation's history when basically no Black or brown man can feel at all comfortable or safe when stopped by the police. That reality is wrong and must come to an end.

We ask for the partnership of both our area political leadership and the leadership of all area police departments in making the slogan "Protect and Serve" a living reality for all the citizens of Pittsburgh and Allegheny County.

Sincerely,

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Tim Stevens, Chairman & CEO

The Black Political Empowerment Project (B-PEP)

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Members of the Board:

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Vice Chair

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April 30, 2021

The Hon. Bill Peduto
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The Hon. Rich Fitzgerald
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101 County Courthouse
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The Hon. Theresa Kail-Smith
President, Pittsburgh City Council
5th Fl., 414 Grant Street
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The Hon. Pat Catena
President, Allegheny Co. Council
119 County Courthouse
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Messrs. and Madame:

Nationally, the tension between communities and police has reached an untenable level. In Pittsburgh, efforts to re-define policing tactics have produced good ideas and resulted in an ongoing re-alignment of public safety goals and responses to interactions between police and citizens. The continuing loss of life during police encounters with citizens has generated varying levels of community responses.

Since 1997 this Board has presided over hundreds of investigations related to police conduct and has witnessed organizational reform in the Pittsburgh Bureau of Police. The deaths of Mr. George Floyd, Philando Castille, Duante Wright, Adam Toledo and many others, have elevated the public's concern regarding civilian deaths, particularly of African Americans, pursuant to the use of lethal force by police officers.

Each incident must be judged on its own facts. The Washington Post reports that since January 1, 2015, 6241 people have died during or immediately after a police encounter, many of which were initiated during a traffic stop. That is an average of more than 1000 civilian deaths per year as a result of police action. The National Law Enforcement Memorial reports that for that same period, an average of 229 police officers are killed in the line of duty each year. These numbers reflect a tragic loss of life which demand the attention and intervention of policymakers and all citizens.

Recently the Black Political Empowerment Project, through its Chairman and CEO, Tim Stevens, called for local police departments to review and revise as appropriate their use of force policies and to suspend fourteen (14) enumerated "routine" traffic stops. We appreciate the urgency of B-PEP's appeal to law enforcement as a means to protect civilians, particularly African American men. While we will not denounce routine traffic stops, we believe a comprehensive review of all routine stops is needed.

The Board promotes practices that will reduce troublesome encounters and confrontations between civilians and police officers. We cannot sanction selective or restrained law enforcement that potentially places others at risk or disregards the law. Neither do we condone unlawful civilian conduct that places others in harm's way and attracts police attention. We do encourage the Pittsburgh Bureau of Police to review its training and professional development of supervisors to assure officers' discretionary actions are informed and reflect competent judgement, especially as related to the use of reasonable, lawful force. We also encourage the Bureau, and all local police agencies, to review their policies related to patrol officers' use of pretextual stops, trickery and ruse; nothing is more destructive to community trust than dishonesty.

During this difficult time in the community/police relationship, our common goal must be threat and risk reduction through de-escalation tactics and as appropriate, minimized enforcement contact between police and civilians. All interactions should begin with a basic respect for human life and proceed with the dignity deserved by all individuals, each as a worthy human being.

On behalf of the Board, I thank you for your attention to this critical issue. Yours truly,



Emma Lucas-Darby, PhD
Chair

cc: Tim Stevens, President and CEO, B-PEP

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