



INDEPENDENT CITIZEN POLICE REVIEW BOARD

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Final of
04/27/2021

Minutes of the Regular CPRB Meeting Held on April 27, 2021 (Mtg. No. 232)

Online Zoom Webinar #
Pittsburgh, PA 15219
Neighborhood: Citywide

Video of the meeting: <https://cprbpg.org/2801>

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|---|---|
| Members Present: Dr. Emma Lucas-Darby Chair Mr. Thomas C. Waters Vice Chair Dr. Mary Jo Guercio Sr. Patrice Hughes Ms. Karen McLellan, LEP Mr. Sheldon Williams, LEP 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: Mr. Elwin Green Absent: Vacancy: None Excused staff: All present. |
|---|---|

The entire meeting may be viewed here: [Independent CPRB Meeting 04/27/2021](#)

Dr. Lucas-Darby, Chair, called the online Zoom meeting to order at approximately 6:22 p.m. Dr. Darby recognized Board members present and the excused member, Mr. Green. 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 April 27, 2021. A motion to approve March 23, 2021, meeting minutes was offered by Ms. McLellan and seconded by Sr. Patrice and the motion was approved unanimously.

Dr. Darby asked what the intent was from the very detailed discussion about how the Board would like to enhance its transparency and accessibility of their endeavor to improve community/police relations during last month's Board meeting.

Mr. Waters explained he was not prepared to comment deeper upon the discussion and asked for time to review the notes and make notes to better answer her questions. Mr. Waters went on to say he felt that the Board did not come to many conclusions and that he felt the Board discussion wasn't trying to get there, but instead try to open a discussion. Mr. Waters is not sure the Board can give Dr. Darby the clarity she wants without a further discussion and thinks it would be a better discussion for next month's meeting.

Ms. McLellan agreed with Mr. Waters and noted review of the video on the YouTube channel could be informative.

Dr. Darby reported that she did watch the meeting and the minutes reflect what's on YouTube. She asked what the Board wants the minutes to reflect in terms of the importance of the discussion and the direction for the Board to carry it out.

Ms. McLellan said she believed the discussion was left open-ended.

Dr. Darby asked was it open-ended for pre-meeting discussions, discussions between board members, public meetings, and the use of executive sessions?

Ms. McLellan explained that she believes the conversation will come up again and likely be an ongoing discussion.

Mr. Waters responded that if the discussion from last month's meeting is to be opened back up to bring it to a conclusion, he would have appreciated being asked before the meeting so the Board could be more prepared to discuss.

Dr. Darby explained that she did not feel she had to ask before the meeting, this is a review of the minutes from last month's meeting seeking clarity in terms of the direction the Board wishes to proceed.

Mr. Williams assessed the value of the conversation as showing the Board is moving forward as a directional arrow rather than to a destination. The value in the discussion was twofold: 1) the conversation is a matter of public record, including the YouTube record, and each conversation shows the public that the Board is wrestling with matters of public concern and 2) the Board is genuinely trying to figure out how best to address the discussion of what and when the Board should address issues emerging from cases. Mr. Williams expressed that with each discussion of excessive use of force, even though a point of resolution as to what the next steps should be hasn't been decided, he is energized that the Board continues to have the conversation because the public also continues to have the discussion. The fact that an officer is no longer with the Bureau does not mean that the incident is no longer on the Board's radar.

Dr. Darby added that the Board will consider each situation (of public concern) as it comes up even if we don't have a case about it.

Opening remarks by Chair:

Dr. Darby congratulated Executive Director, Elizabeth Pittinger for receiving the Cyril Wecht Western Pennsylvania Humanitarian Award. The award honors individuals from our communities for the impact they have had in our region and the world. The Ceremony was held Saturday, April 24, 2021.

Ms. Pittinger replied that it was quite a humbling day and thanked Dr. Darby for recognizing the achievement.

Dr. Darby informed that the Allegheny County Bar Association (ACBA) continues to meet and the Board is represented on their sub-committees on policing. The current topics include the Models

of Use of Force by Police and policies regarding policing. At this time the ACBA is looking at statistics, using the Washington Post but the group has learned there aren't good statistics to analyze police behavior locally in regard to police use of force. The group is in favor of de minimis actions from police when it comes to a broken headlight, broken tail light, and tinted windows that police may encounter. The committee has had healthy discussions about what actions to take and what the possibilities could be in terms of recommendations coming from this committee for the minimalist kinds of infractions that police may encounter that are also included in a letter on behalf of B-PEP that Mr. Tim Stevens, Chairman, CEO of B-PEP (link: [B-PEP](#)), would like the Board to support.

Executive Director's Report:

Ms. Pittinger informed the Board, that before the meeting all board members should have received a copy of Mr. Stevens's letter from B-PEP, to various offices, seeking suspension of traffic stops & the use of force policy reviews, and a proposed response from Dr. Darby if the board wishes to pursue an endorsement/support of Mr. Stevens' letter (copies attached). In light of some of the outcomes that we've all heard about especially in the last couple of weeks, Mr. Stevens has asked that they suspend a certain number of "routine traffic stops": out of date tags or plates, broken taillights, partially obscured license plates, failure to use turn signals, failure to stop at stop signs, going through stoplights, failure to obey 'yield' signs, driving over the speed limit, failure to slow down in and around construction sites, passing in a 'no passing' zone, failure to stop at a railroad crossing, ignoring 'No U-Turn' signs, failure to stop for a pedestrian in a crosswalk and failure to stop for school buses with flashing red lights. The goal is to stop pretextual stops for officers to go fishing for other infractions and/or contraband. According 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.

Out of date tags or plates, broken taillights, partially obscured license plates, failure to use turn signals, failure to stop at stop signs are the four infractions that are the least endangering to other people. Ms. Pittinger explained that other infractions: failure to stop at stop signs, going through stoplights, failure to obey 'yield' signs, driving over the speed limit, failure to slow down in and around construction sites, passing in a 'no passing' zone, failure to stop at a railroad crossing, ignoring 'No U-Turn' signs, failure to stop for a pedestrian in a crosswalk and failure to stop for school buses with flashing red lights those items have issues of not only potential liability but also endangering other parties because of unsafe reckless driving. These concerns were also shared with Mr. Stevens. Ms. Pittinger asked the Board to endorse/support Mr. Stevens letter with a response letter from the Board (copy attached).

Ms. McLellan commented it was a very nicely written letter, however she could not support the endorsement of the fourteen (14) violations being recommended. Ms. McLellan will support the first four (4) violations but the other ten (10) have to be open for discussion because the liability that's out there and upon whom liability might fall.

Mr. Waters agrees that there may be some traffic violations flying by school buses with flashing red lights, speeding through construction sites are just a handful of traffic violations which may be serious. Mr. Waters agrees with the endorsement of the basis of what Mr. Stevens's letter but cannot endorse all fourteen (14) violations.

Mr. Williams replied he is not in support of any part of the letter. He said he understands the letter supporting the effort and he appreciates the spirit of what is written to identify what the challenges are and he is 100% behind that but he is not in support of trying to define how police officers do their function. There are challenges with traffic stops but it is not with every officer or every stop. There are far more warnings given than citations. We are getting onto a slippery slope when we try to identify what things we feel we should endorse as okay versus what isn't okay. He acknowledged there are fishing expeditions and stops are being used to try to get other violations. Mr. Williams challenges that style of policing and the way officers are policing versus unilaterally trying to stop how police officers do their job. All fourteen (14) violations are safety-related. The laws are written for the safety of the public. Mr. Williams went on to say when it's time to a vote, he will support the Board's decision, even though his vote may be "no" because he is opposed to endorsing the parsing out or mere specification of certain police duties. Mr. Williams acknowledged that sometimes officers are aware of a problem and they resort to tactics that might get at the problem but that are inappropriate tools to address the problem.

Sr. Patrice agreed with Mr. Williams. A minor infraction is still an infraction but she does understand Mr. Stevens' concern that sometimes, excessive force is used when it is not appropriate but now we are choosing which law we are to obey. Sr. Patrice does support Mr. Stevens and his attempt to make the Board more aware of some of the problems and we certainly have been exposed to a lot of it recently but she is not sure she could support suspending police intervention for all fourteen (14) infractions.

Dr. Guercio agreed with all the views expressed and perceived the problem presented is whether suspending the police actions would compromise the public's safety beyond an acceptable level. Training and the types of activities that build competence and confidence are what need to be addressed in her opinion.

Mr. Waters replied that Mr. Williams said it best. There are fishing expeditions where some police departments may use simple traffic stops for things other than traffic violations presenting a safety component. Mr. Waters said one problem, in his opinion, CPRB looks at individual officers that may have violated policy. The public is so alarmed and not trusting that there has to be some actions that demonstrate real change.

Dr. Guercio agreed and said there should be no "PROFILING". We should not be profiling folks but in her opinion, that goes back to training.

Mr. Williams said it's a leadership and supervisory problem and there is absolutely criminalization of black and brown people by the general public and police officers are a portion of the general population. Mr. Williams emphasized that he is not minimizing; the issue is important and one that plagues our culture. He affirmed that he will always speak to the issues illustrated by police officers making the same types of stops of certain types of people, resulting in certain types of arrests of certain types of people.

Dr. Darby asked that the Board come to a decision regarding endorsement of B-PEP's letter. Dr. Darby said the traumatization and re-traumatization of people of color is happening so much today that for the Board not to present a position of some kind would be a serious lapse for the Board. Is there a way the Board can address the concern we have for what is happening in society

without trying to identify specific actions that the police can indeed take or is there another approach that should be taken?

Ms. McLellan said if the letter is worded in a way that the Board cannot hinder the job that needs to be done but we do need to look at what additional training is needed or what changes to the training need to happen.

Dr. Darby asked if it is possible for the letter to be drafted and reviewed by the Board prior to releasing it, or is there a time consideration on its release that may hinder its message if not released immediately.

Mr. Ward replied that the approach makes sense because to what extent does the Board want to make recommendations for the police to ignore their mandate to enforce state law.

Dr. Darby called for *a motion to support what is being asked of the Board with a re-write of the endorsement/support letter that includes the Board's edits and permits Ms. Pittinger to move forward with the endorsement/support letter. A motion was offered by Mr. Waters and seconded by Sr. Patrice and Mr. Williams offered a friendly amendment to have a time frame for review of the letter. Mr. Waters accepted and set a time frame of one (1) week with the letter being sent out to the Board tomorrow and every member of the Board is asked to respond within one week even if to say "I read it I'm responding" so that every member's voice is heard. The motion was approved unanimously.*

Ms. Pittinger replied she will get the letter back to the Board for approval by Thursday. It will assimilate tonight's discussion of intrusive policing, leadership, discretion, profiling, and pretextual stops and emphasize intervention with those practices rather than suspension of specific tasks.

Ms. Pittinger informed the Board that they would be receiving an email regarding the annual Statement of Financial Interests (SoFi). The statement from all members and the CPRB team is due to the City's Ethics Hearing Board by May 1,

The Densus Group after action review is progressing. The team is waiting for Chief Schubert to schedule their debriefing.

CPRB's new and improved website is pending launch. The renewed site is mobile friendly and offers a quicker response time. The hosting provider and server were moved and the site re-designed. A document inventory remains a task but will not delay the debut.

The performance audit conducted over the last year by the Controller has been completed. A draft report has been received and the response is due by Friday, April 30. The report will be finalized and released by the City Controller at his discretion.

The employment posting for the CPRB's vacant investigator position closes on Friday, April 30. Thirty-four applications have been received as of today, April 27.

A copy of the report on the Kopy's Bar Incident was distributed to all members. The report presents what CPRB staff believes to be an accurate record and analysis of what transpired on October 11th into October 12th of 2018 between detectives of the Pittsburgh Bureau of Police and the Pagan's Motorcycle Club. Ms. Pittinger asked how the Board would like the report

distributed? Mr. Waters asked that the Board consider discussion of the report at a future meeting (possibly June) so the discussion can go into the public record. The report is not recommending a particular action be taken by the Board.

Dr. Darby called for a motion as to what the Board would like to do with the Kopy's Bar report. Ms. McLellan moved to make the Kopy's Bar report public and seconded by Sr. Patrice and the motion was adopted unanimously.

Dr. Darby thanked the CPRB staff for all the time and effort that was put into the report . Ms. Pittinger thanked Dr. Darby and said it was a team effort.

Ms. Pittinger informed the Board that Allegheny County Council was expected to vote tonight on establishing a countywide civilian review board.

Unfinished Business:

No unfinished business.

New Business:

Sr. Patrice announced that pursuant to medical and her community's advice, she will be relocating to her Motherhouse in Greensburg. Sister advised the Board that she will inform the Mayor of her departure and subsequent vacation of her seat on the Board, effective at the end of May. Sister noted her respect for this Board and her enjoyment of working with the dedicated Members and staff.

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 entire meeting may be viewed here: [Independent CPRB Meeting 04/27/2021](#)

Next Meeting:

Dr. Darby announced the time and location of the next Board meeting: Tuesday, May 25, 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:

None

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

The entire meeting may be viewed here: [Independent CPRB Meeting 04/27/2021](#)

Respectfully Submitted,

A handwritten signature in cursive script that reads "Stephanie M. Dorman".

Stephanie M. Dorman
Assistant Executive Director

Attachments (1): 04/27/2021 Case Review Actions
(2) Letter from B-PEP, to various offices
(3) CPRB Letter of Support for B-PEP

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 |

| CPRB CASE NO. INVESTIGATOR | ALLEGATION(S) | SUMMARY | RECOMMENDATION | RATIONALE |
|-------------------------------|---|--|-------------------------------------|---|
| 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 |

B-PEP PLANNING COUNCIL

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Chairman & CEO

Valerie Dixon
Vice-Chairperson

Lorraine B. Cook Cross
Secretary/Civic
Engagement Coordinator

A. Odell Richardson Treasurer

Mary Young
Personnel Committee
Chair

Lois "Toni" McClendon B-PEP Radio Producer
Lead Writer & Editor/

Stephanie M. Carey CAW B-PEP Admin. Asst.

Sharon McIntosh,
Youth Summit Coord.
Anti-Violence Advocate

In Memoriam:
Rev. Dr. LeRoy Patrick
Rev. Dr. James Earl Garmon
Rev. Samson Cooper
Reggie Roberts

Rick Adams
William Anderson Walt Bentley
Rev. Maureen CrossBolden
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Karen Wright



C/O Freedom- Unlimited 2201 Wylie Avenue, Pittsburgh, PA 15219 412-758-7898

April 20, 2021

Hon. Rich Fitzgerald, Chief Executive
Allegheny County
101 County Court House
436 Grant Street
Pittsburgh, PA 15219

Christopher Kearns, Superintendent
Allegheny County Police Department
1801 Brownsville Road
South Park Township, PA 15129

William P. Mullen, Sheriff
Allegheny County
436 Grant Street, #111
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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April 30, 2021

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The Hon. Pat Catena
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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,

A handwritten signature in black ink, appearing to read 'Emma Lucas-Darby', with a stylized, flowing script.

Emma Lucas-Darby, PhD
Chair

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

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