



INDEPENDENT CITIZEN POLICE REVIEW BOARD

816 Fifth Avenue, Suite 400
Pittsburgh PA 15219
412-765-8023 Telephone – 412-765-8059 Facsimile
cprb@pittsburghpa.gov

DRAFT for
02/22/2022
Review

Minutes of the CPRB Special Meeting Held on January 25, 2021 (Mtg. No. 239)

Online Zoom Webinar # 881 7040 7510
Pittsburgh, PA 15219
Neighborhood: Citywide

Video of the meeting: <https://cprbpg.org/127713>

<p>Members Present:</p> <p>Dr. Emma Lucas-Darby, Chair Dr. Mary Jo Guercio Ms. Lakeisha Brown Mr. Raymond Robinson</p> <p>Solicitor: Atty. William F. Ward</p> <p>Staff Present:</p> <p>Ms. Elizabeth C. Pittinger, Exec. Director Ms. Stephanie Hampton, Asst. Exec. Director Ms. Michelle Gamble, Lead Investigator Ms. Sherri Bridgett, Investigator Mr. David Ellwood, Investigator Ms. Tiffani Hunt, Investigator</p>	<p>Excused Members: N/A Ms. Karen McLellan, LEP*</p> <p>Absent:</p> <p>Mr. Sheldon Williams, LEP* Mr. Elwin Green</p> <p>Vacancy: None</p> <p>Excused staff: All present.</p> <p>*Law Enforcement Professional</p>
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The entire meeting may be viewed here: [Independent CPRB Meeting 01/22/2022](#)

Dr. Lucas-Darby, Chair, called the online Zoom meeting to order at approximately 6:04 p.m. and recognized the presence of a quorum.

Dr. Lucas-Darby called for corrections or additions to the minutes of the Board meeting conducted on January 22, 2022. No corrections or additions were offered and hearing no objection, Dr. Lucas-Darby declared the minutes adopted as distributed.

Opening remarks by Chair:

Dr. Lucas-Darby had no opening remarks and moved to the Executive Director's Report.

Executive Director's Report:

Ms. Pittinger acknowledged the passing of civil and human rights icon [Alma Speed Fox](#). Ms. Fox was regarded by many to be the mother of civil rights in Pittsburgh. Ms. Fox will be missed but her influence is embedded in the community life of the City of Pittsburgh.

Ms. Pittinger reported that the total intake for 2021 was 227. Of those complaints, eleven (11) were general service (GS), four (4) were Executive Director Inquiries (EDI), nine (9) were out of jurisdiction (OJ) but

redirected by Ms. Gamble to the appropriate authority for the individual to seek assistance, five (5) exceeded time limits (SL), 37 sworn and 164 pending complaints. Thus far in 2022, 14 new complaints are pending.

Ms. Pittinger reported on CPRB #230-19, a case awaiting a Public Hearing. The pre-hearing conference was intended to be conducted at this meeting however some issues around evidence arose and could not be clarified in time to meet notice requirements. The Hearing Panel, chaired by Dr. Guercio, was asked to set the date for the pre-hearing conference for February 22, which is the next scheduled regular Board meeting.

Dr. Lucas-Darby asked to verify that the pre-hearing conference would precede the regular meeting. Ms. Pittinger responded yes, that in the past the pre-hearing was convened immediately before the regular monthly Board meeting following the monthly meeting at which the Public Hearing was ordered. Alternatively, the following Wednesday or Thursday were offered to accommodate Members' schedules.

Dr. Guercio asked if the pre-hearing conference would be held in-person or remotely. Consensus was to convene the conference remotely. Dr. Lucas-Darby inquired about Sunshine requirements regarding the advertised time of the regular meeting. Ms. Pittinger replied that compliance would not be a problem as long as the public notice disclosed that the pre-hearing conference is a public meeting and the regular meeting will immediately follow the conference.

A pre-hearing conference was scheduled for February 22, 2022, at 5:45 pm. The date for the public hearing would be set at the pre-hearing conference.

Ms. Pittinger anticipates providing the TASER update at the February meeting. The final report on the police response to the May 30 - June 1, 2020 demonstrations will be presented for Board review at the March meeting.

Ms. Pittinger informed Members of an alleged sexual assault of a female police officer by a male police officer while both were off-duty and drinking. The victim officer sent a letter to all members of the Bureau of Police detailing the June 2021 encounter, the unsatisfactory response to her internal complaint against the accused officer, and her external recourse to secure a protective order against the accused. The victim described an apparently common activity of officers gathering after shift, consuming alcohol and debriefing on the back patio or the parking lot at Zone 5. The letter chronicled the victim's efforts to resolve the matter internally. She reports that she filed an internal complaint with OMI. It was investigated and sent up the chain of command with concurrence that the accused officer should be terminated. That recommendation was provided to the (former) Director of Public Safety who rejected the recommended termination and instead subjected the offending officer to a two or three day suspension and a transfer from Zone 5 to Zone 1. The victim reported that she obtained a Sexual Violence Protective Order. CPRB staff is looking into the standards of alcohol storage and consumption on City property particularly as related to police property and how protective orders against City police officers are managed when the restrained and the protected are both police officers.

Ms. Pittinger explained the three (3) types of protection orders available in Pennsylvania:

The infographic is divided into three vertical columns. The left column is white with a teal circle containing 'PFA'. The middle column is teal with a white circle containing 'SVPO'. The right column is white with a teal circle containing 'PFI'. Each column contains a title, a descriptive paragraph, a list of applicable relationships, and a filing note. A teal background image of a couple is visible behind the middle column. A yellow box at the bottom right contains legal definitions for asterisks used in the text.

PFA

Protection from Abuse Order

PFA's are appropriate when there are cases of physical, sexual, or psychological abuse where the victim and defendant have these types of relationships:

- ✓ Current or former spouses
- ✓ People who live or have lived as spouses
- ✓ Current or former intimate or sexual partners
- ✓ Family and/or household members who are related by blood (consanguinity)
- ✓ Family and/or household members who are related through marriage or affinity
- ✓ Parent-child
- ✓ Siblings

PFA's can be filed regardless of the ages of the parties involved. However, if the victim is under the age of 18, an adult** must file on the minor's behalf.

SVPO

Sexual Violence Protection Order

SVPO's are appropriate in cases of sexual violence* where the victim and perpetrator do not have and have never had a family, household, or intimate partner relationship. For example, SVPO's may be granted when the victim and the defendant have these types of relationships:

- ✓ Strangers
- ✓ Acquaintances
- ✓ Friends
- ✓ Co-workers
- ✓ Neighbors

SVPO's can be filed regardless of the ages of the parties involved. However, if the victim is under the age of 18, an adult** must file on the minor's behalf.

PFI

Protection from Intimidation Order

PFI's are appropriate in cases of harassment* and stalking* where the victim and the perpetrator do not have and have never had a family, household, or intimate partner relationship AND the victim is under the age of 18 AND the defendant is over the age of 18. PFI's cannot be granted in cases involving two minors, two adults, or where a minor is harassing or stalking an adult.

PFI's can be filed regardless of the ages of the parties involved. However, if the victim is under the age of 18, an adult** must file on the minor's behalf.

* As defined by Title 18 of the Criminal Code
 ** In order for an adult to file on a minor's behalf, the adult must be a parent, legal guardian, or adult household member.

It is understood in this matter that a protective order was issued temporarily which is standard procedure. A hearing is scheduled to determine whether the protective order should be made permanent with whatever details may be included in the order. The protective order was issued at the beginning of January 2022 but on or about January 11, 2022, the Fraternal Order of Police (FOP) intervened and it's not understood why. These case records are sealed and documents cannot be accessed. It is curious why the FOP would intervene in this personal matter involving a petition for a protective order. Since 2007, the Pittsburgh Bureau of Police (PBP) orders have included a procedure to be followed related to Officer Involved Domestic Violence including Protection from Abuse orders (PFA), PBP [40-12-1](#). Staff is researching best practices and model policies related to managing restraining orders against police officers

Mr. Robinson asked to clarify the FOP's intervention. Did their intervention alter or have an impact on the PFA? Ms. Pittinger replied that no, not on the original court order. The court hearing was continued. Ms. Pittinger continued that as a matter of public record the accused officer does have legal counsel and it appears the alleged victim is representing herself.

Dr. Lucas- Darby asked if it was at the officer's request that the FOP represents him? Ms. Pittinger replied that is not known but both officers are members of the FOP. Ms. Pittinger speculated that if under the protective order there was an order to relinquish the defendant's firearm, that could interfere with the accused officer's ability to do his job. That could be the FOP's interest in this case.

Mr. Robinson asked if Ms. Pittinger has seen this before where the FOP has intervened for non-work-related incidents. Ms. Pittinger replied no, she has not.

Mr. Robinson asked about the recommendation for discipline which went up the chain of command, including consensus of all command staff that the accused officer be terminated, but the Department of Public Safety Director, at the time, declined to accept the recommendation. Is that decision in line with normal proceedings? Ms. Pittinger replied that the decision was never challenged and the Director of Public Safety is the final authority.

Ms. Pittinger updated Members on the death of Mr. Rogers. It was recently reported that disciplinary action has started with eight (8) of the officers for their actions or inactions at the scene. Pittinger described the internal disciplinary process, noting the challenge of a mayoral transition and the acting status of the Director of Public Safety. Mr. Robinson asked if the District Attorney (DA) made a prosecutorial determination and Ms. Pittinger replied, no. Pittinger addressed the recent Court Order denying the District Attorney access to the internal Critical Incident Review Board (CIRB) report. Pittinger emphasized the distinction between the CIRB investigative report and the criminal investigation by Allegheny County Police.

Dr. Darby commented that a resident contacted her about reports that the City was refusing to turn over an internal critical incident report that might lead to the DA declining to pursue prosecution. The resident was very upset, and she felt that the case was headed down the same road as the Antwon Rose Jr. case without the DA getting the necessary information to make a decision.

Ms. Pittinger provided background to policy changes adopted or under consideration by City Council. Council adopted a traffic stop ordinance that defines primary and secondary violations. Officers are prohibited from initiating a stop for a “secondary violation”. Rev. Burgess is developing a proposal to control pedestrian stops commonly known as “stop & frisk”.

To illustrate the underlying basis generating recent legislative proposals, Ms. Pittinger presented several charts extracted from the 2020 Pittsburgh Bureau of Police Annual Service Report. Assuming the demographic representation of African Americans to be about 23%, the charts reflect disparities in the enforcement actions of arrest, traffic stops followed by a frisk/warrantless search, marijuana enforcement and use of force.

Mr. Robinson would like to review the demographic data associated with arrests subsequent to the original enforcement action. Dr. Lucas-Darby agreed that the numbers merit a closer look and scrutiny for bias and profiling. She opined that you can have all the cultural awareness and sensitivity training but if people don’t think differently, the same behavior will exist. Mr. Robinson emphasized the importance of supervision and policy being in sync and close monitoring of officer practices by supervisors. Dr. Lucas-Darby agreed.

Dr. Lucas-Darby thanked Ms. Pittinger for her report and moved on to unfinished business.

Unfinished Business:

No unfinished business was presented.

New Business:

No new business was introduced.

Case Review:

Dr. Darby moved to the Case Review Agenda (copy attached). Each group of recommendations

was voted upon as recorded on the attached Case Review Actions.

Next Meeting:

Dr. Darby announced the time and location of the next Board meeting: Tuesday, February 22, 2022, at 6:00 p.m. via Zoom. The meeting link will be posted on the cprbpg.org website and FaceBook page.

Public Comment:

Mr. Jermaine Brown wanted to discuss his case. Dr. Darby informed him there was a procedure that he would need to follow and referred him to a follow-up with Ms. Pittinger.

The Ozarks wished everyone a happy new year.

Dr. Darby called for a motion to adjourn, and the motion was offered by Dr, Guercio and: seconded by Mr. Robinson and the motion was adopted unanimously.

The entire meeting may be viewed here: [Independent CPRB Regular Meeting 01/22/2022](#)

Respectfully Submitted,



Stephanie M. Dorman
Assistant Executive Director

Attachments (1): 01/25/2022 Case Review Actions

Action Date: 01/25/2022

(17) Cases

CPRB CASE REVIEW AGENDA 01/25/2022

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
(#230-19 REQUEST, PLEASE SEE SUMMARY)				
REF PUBLIC HEARING (1)				
FULL INVESTIGATION (2)				
221-21 Hunt	12-06.3.2 Use of Force 16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7.1) (3.7.2) Conduct Towards the Public 44-1 Arrests	Cx alleges the SO's used excessive force against his Grandson and Daughter (V#1 & #2) for unknown reasons while they were leaving Tequila Cowboy.	Authorize full investigation	Preliminary evidence provides cause to advance the investigation.
177-21 Hunt	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.13) Neglect of Duty 45-2 Warrantless Searches & Seizures 54-01 Traffic Citations	Cx alleges that SO's illegally stopped him for a traffic violation, towed his vehicle, and searched it without cause.	Authorize full investigation	Preliminary evidence provides cause to advance the investigation.
30 DAY EXTENSION OF FULL INVESTIGATION (2)				
165-21 Ellwood	36-01 Evidence Procedure 36-02 Property Room Procedure 40-12.8 Police Response to Domestic Violence	Cx alleges that the PBP sent units to execute a search warrant at his home for guns after violating a PFA order to turn in his weapons.	Authorize 30-day Extension	More evidence and clarification are needed for the reason the PBP rather than the Sheriff's Office executed the warrants for the guns.
107-21 Ellwood	16-1.3.06.03: Conduct Unbecoming 16-1.3.13: Neglect of Duty 16-1-3.19 Truthfulness 44-13: Arrests	Cx alleges that the SOs did not conduct a proper investigation and did not follow up on the evidence that the SO presented.	Authorize 30-day Extension	More time is needed to determine what the reasoning of the new charges was.
UNSUSTAINABLE (3)				
155-21 Bridget	16-1 (3.6) Conduct Unbecoming 16-1 (3.13) Neglect of Duty	The Cx alleges her 13-year- old son was robbed by two (2) individuals, and the SO only pressed charges against one juvenile which was not the 17-year-old who went into her son's pocket.	Dismiss as unsustainable	The evidence gathered was unable to prove or disprove the Cx's allegations.
111-21 Hunt	11-3 (3.1) Unbiased Policing 16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7.1) (3.7.2) Conduct Towards the Public 16-1 (3.13) Neglect of Duty 16-1 (3.19.1) Truthfulness	Cx alleges that SO failed to investigate his complaint that a Fox's Den employee, W#1, made racially discriminatory statements towards him.	Dismiss as unsustainable	The evidence gathered was unable to prove or disprove the Cx's allegations.

CPRB CASE No. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
057-20 Ellwood	11-03 Biased Policing 16-01, (3.6) Conduct Unbecoming 12-06 Use Of Force	Cx alleges that the SO is harassing her and falsely arrested her.	Dismiss as unsustainable	The evidence gathered in the investigation shows that the SO statements and observations in the case were accurate as corroborated by McGann & Chester.
UNFOUNDED (1)				
168-21 Bridget	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public 41-04.04 Towing: Abandoned Vehicles	The Cx alleges that her vehicle was towed by the SO without any warning.	Dismiss as unfounded	According to PA Title 75 Section 102, the SO lawfully towed the vehicle and he didn't violate any PBP policy or procedure while doing so.
OTHER (1)				
084-21 Bridget	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Towards the Public	The Cx alleged the SO was inappropriate during an incident in the Liberty Tunnels.	Authorize R&D hearing	Investigator spoke with the Cx and she would be interested in attending a Rude and Discourteous hearing
SUSPENSION (7)				
162-21 Hunt	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.13) Neglect of Duty 16-1 (3.19.1) Truthfulness	The Cx alleges the SOs failed to investigate the neighbor that is harassing him and his family.	Authorize suspension until February 2022	More time is needed to determine if the SO violated PBP Policy and Procedures.
160-21ED Ellwood	11-3 (3.1, 3.2, 4.1.2) Unbiased Policing 12-6 (3.0, 4.0, 5.0) Use of Force 12-8 (3.0, 4.0) Matrix of Control 12-13 Taser 16-1 (3.06) Conduct Unbecoming a Member 16-1 (3.07) Conduct Towards the Public	An anonymous referral from OMI on 09/07/2021 from an employee working in the emergency room of UPMC. The employee was concerned with the behavior the SOs displayed when they brought an unidentified male to the hospital for treatment.	Authorize suspension until February 2022	More time is needed to view the ER video footage to view the conduct of the officer.
148-21 Bridgett	16-1 (3.6.) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public 12-6 (5.0) Use of Force	CPRB was made aware of a The video that was posted to Facebook involving the PBP.	Authorize suspension until February 2022	More time is needed to identify the SOs and determine if the SOs violated PBP Policy and Procedures.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
138-21 Ellwood	12-06.3.2 Use of Force 16-01.3.06 Conduct Unbecoming 16-01.3.07 Conduct Toward the Public	Cx alleged that PBP officers detained him unlawfully and forced him to provide his ID without suspecting him of a crime.	Authorize suspension until February 2022	More time is needed to determine if the SO violated PBP Policy and Procedures.
126-21 Bridget	Conduct Unbecoming a Member 16-1(3.6 Conduct Towards the Public 16-1 (3.7) Traffic Citations 54-01	The Cx alleged he was issued a citation out of retaliation because he contacted the supervisor over his street being blocked by the PBP and PWSA.	Authorize suspension until February 2022	More time is needed to determine if the SO violated PBP Policy and Procedures by citing them for a nonemergency 911 call.
121-21 Ellwood	11-3 Unbiased Policing 16-01.3.06 Conduct Unbecoming 16-01.3.19 Truthfulness	The Cx alleged that the SO falsified the charge of simple assault against the Cx.	Authorize suspension until February 2022	More time is needed to determine if the SO violated PBP Policy and Procedures.
099-21 Ellwood	12-06.3.2 Use of Force 16-01.3.06 Conduct Unbecoming 16-01.3.07 Conduct Toward the Public 16-01.3.13 Neglect of Duty 16-01.3.19 Truthfulness	The Cx alleges that SO's used excessive force when arresting the Victim during an incident near her home.	Authorize suspension until February 2022	More time is needed to determine if the SO violated PBP Policy and Procedures.

*****Suspensions to follow*****

**CONTINUED SUSPENSIONS (15)
SUMMARIES PROVIDED UPON REQUEST OF MEMBERS**

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
038-21 Ellwood	44-1(4.0) Arrests – Physical, Summons, or Warrant 12-06(3.0) Use of Force	Outstanding details must be resolved	TBD
031-21 Bridgett	The investigator	The investigator is trying to set up an interview with the SOs because there are no statements at OMI.	TBD
019-21 Ellwood	37-01 Lost-Stolen- Abandoned-Property 36- 01,(6.0) Evidence Procedures	Waiting for withdrawal	TBD
012-21 Bridgett	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public Neglect of Duty 16-1 (3.13)	Waiting for SO statements from OMI	TBD
252-20 Ellwood	16-01 (3.7.1) Conduct Toward the 40-04 Public Motor Vehicle Stops	Waiting for SO statements.	TBD
192-20 Ellwood	11-3, (4.1.1, 4.1.2) Unbiased Policing 12-6, (3.1) Use of Force 12-8, (3.0) Continuum of Control	Waiting for SO statements.	TBD
130-20 Bridgett	16-1, (3.6) Conduct Unbecoming a Member 36-2 Property Room Procedures	Waiting on SO statement/Under action review by DENSUS	TBD
122-20 Bridgett	16-1, (3.6) Conduct Unbecoming a Member 16-1, (3.7) Conduct Toward the Public 12-6 Use of Force	Waiting on after-action assessment	TBD
112-20 Bridgett	11-3 Unbiased Policing 16-1, (3.6) Conduct Unbecoming a Member 16- 1, (3.07) Conduct Toward the Public	Waiting for the Daily Activity Log/ Running Sheet	TBD
230-19 Ellwood	45-2, (10.0) Warrantless Searches and Seizures 12-06 Use of Force 40-04 (03.2, 03.4) Motor Vehicle Stops	Waiting for transcripts of BWC from OMI	TBD

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
217-19 Ellwood	16-01 (3.7) Conduct Toward the Public 44-1 Arrest 45-2 Unlawful Search and Seizure	Waiting on Abel's arbitration.	TBD
190-19 Bridgett	16-1, (3.6) Conduct Unbecoming a Member 16-1, (3.7) Conduct Toward the Public 40-12 Police-Response-to- Domestic-Violence- Incidents	The case was sustained at OMI for conduct unbecoming. The is trying to determine what disciplinary action the SO received.	TBD
029-19 Bridgett	16-1, (3.1) Obedience to orders/ laws 16-1, (3.6) Conduct unbecoming a member 16-1 (3.9) Insubordination, 62-1, (2.10) Truthfulness False report	Waiting to verify if PBP disciplined the SO	TBD
016-19 Bridgett	16-1, (3.6) Conduct unbecoming a member 16-1, (3.13 Neglect of duty	W#1 has not been apprehended. The DAs office will prosecute when W#1 is arrested.	TBD
87-18-ED Gamble	12-6 Use of Force 12-7 Discharge of firearms 16-1 (3.6) Conduct unbecoming a member 16-1, (3.19) Truthfulness 62-1 Records/Reports/Files	Waiting for witnesses to cooperate.	TBD