



INDEPENDENT CITIZEN POLICE REVIEW BOARD

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

Final
06/28/2022
Review

Minutes of the CPRB Meeting Held on May 24, 2022 (Mtg. No. 244)

Online Zoom Webinar # 873 0105 6073
Pittsburgh, PA 15219
Neighborhood: Citywide

Video of the meeting: <https://cprbpg.org/221947>

<p>Members Present:</p> <p>Dr. Mary Jo Guercio Mr. Sheldon Williams, LEP* Mr. Elwin Green Mr. Raymond Robinson *Law Enforcement Professional</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* Dr. Emma Lucas-Darby, Chair Ms. Lakeisha Brown</p> <p>Absent:</p> <p>Vacancy: None</p> <p>Excused staff: All present.</p>
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The entire meeting may be viewed here: [Independent CPRB Meeting 05/24/2022](#)

Ms. Pittinger acknowledged the 25th anniversary of the Board's establishment by referendum on May 20, 1997.

Dr. Guercio apologized for the tardiness and explained there was a pre-hearing conference right before the scheduled board meeting.

Dr. Mary Jo Guercio, Acting Chair recognized the presence of a quorum and called the online Zoom meeting to order at approximately 6:17 p.m. Excused members were recorded.

Dr. Guercio called for a motion to approve the minutes of the April 24, 2022, meeting. A motion was offered by Mr. Williams and seconded by Mr. Robinson. The minutes were adopted without objection.

Opening remarks by the Chair:

Dr. Guercio had no opening remarks and moved to the Executive Director's Report.

Executive Director's Report:

Ms. Pittinger thanked the Board for their participation in the pre-hearing conference that preceded the Board meeting.

Ms. Pittinger reported to the Board that the first [Joint performance audit of the Pittsburgh Bureau of Police](#) conducted by the City Controller and the CPRB was released today. Mr. Michael Lamb, City Controller, and Ms. Pittinger held a joint press conference to discuss the findings, recommendations, and the Bureau's responses. All twenty-three recommendations were offered as constructive advice and the Bureau was receptive.

This joint audit was conducted pursuant to a 2020 referendum amendment to the Home Rule Charter requiring the City Controller and CPRB to conduct joint performance audits of the Bureau of Police.

A stark disparity was found in the arrests related to marijuana use and marijuana possession. The audit found that 85% of people arrested for marijuana-related charges in 2020 were African American. In 2016 Pittsburgh decriminalized the possession and the use of small amounts of marijuana. State and federal laws differ from the City of Pittsburgh's ordinance, resulting in discretionary enforcement options available to officers. Many arrests are made under the stringent state law where it may be an appropriate option to issue a citation under the City ordinance instead.

The audit also identified the Criminal History Record Information Act ([CHRIA](#)) as being an external force that influences the Bureau's ability to be as transparent as the community desires them to be and as accountable as the community demands them to be. Many substantive documents prepared by police are shielded unless they are entered into evidence in a court proceeding at which time, they become public; otherwise, the documents remain shielded and out of public reach. Similarly, [Act 22](#) of 2017 is a state statute that places rigorous limitations for public access to body-worn camera (BWC) video.

Also identified was the data reporting that is currently being implemented by the Bureau. Several years ago, there was a controversy around the use of a private software company called [B-Three Solutions](#). B-Three had an exclusive contract with the City of Pittsburgh to develop software systems, maintain them, service them, and upgrade the systems for the PBP which became a proprietary situation. ([Article from Public Source](#)) Around 2013, City Council allocated approximately \$100,000 for development of an electronic run sheet and traffic stop reports. The goal was to develop and deploy an application with the capability of extracting various activities into a report for inclusion in the Police Annual Service report. The project was to be implemented in calendar year 2015. It is still not operational.

Another system that was identified was called Information Record Management through Allegheny County Emergency Services. The City could participate in the project at minimal cost, and it would integrate all the data, enhance the efficiencies of police reporting, allow for seamless continuity for the PBP to report to the State and the Federal Uniform Crime Reporting Systems, and to the 2019 FBI Use of Force database. After the death of George Floyd and other high-profile deaths involving police officers, the federal administration considered changing criteria for participation in the FBI's Use of Force database. For each state, law enforcement agencies representing 60% of officers in the state need to report to the system before the state system and the information becomes public. Currently, PA law enforcement is at 57.3% with Pittsburgh reporting but the reporting needs reach 60% for the full disclosure of the use of force practices and outcomes in the Commonwealth. (This information seems to change, here is the link: [Use-of-Force — FBI](#))

The audit noted that the Community Engagement Office ([CEO](#)) of the PBP has done a great job with visibility and engaging with a lot of activities in neighborhoods but observed that the quality of the activities was being hidden by the quantity of activities. There was no way of capturing the quality of service or defining how the CEO work had any influence on violent crime trends, community relations with police and general neighborhood wellness. The audit recommended the CEO pursue an academic partner to help devise a model that will provide a means to measure if their activities have a direct correlation to community wellness.

Ms. Pittinger asked for any questions on the audit report. Mr. Ward complimented the Board on a great job with the audit.

Ms. Pittinger reported that there was only one recommendation that the PBP disagreed with: the monthly checks for BWC policy compliance be removed from internal control and entrusted to an external group like CPRB. The Bureau referenced CHRIA and Act 22 of 2017 when reasoning that they could not delegate the task of monitoring policy compliance.

Ms. Pittinger reminded the Board of two (2) reports distributed to all Board members: the Taser Briefing for 2022, and the After-Action Report (AAR) prepared with the assistance of the Densus Group. Dr. Guercio expressed her understanding that both reports were before the Board for adoption and disclosure. Mr. Williams said that was his understanding and members who wanted to add input and could not make the meeting would send an email.

Dr. Guercio asked Ms. Pittinger if any feedback was received from any members that were not in attendance this evening? Ms. Pittinger replied that no feedback was received.

Dr. Guercio asked the Board if they had any questions, concerns, or comments before the motion was made. Mr. Williams commented that after reading both the reports he was impressed with the volume of information and explanation of detail that had been provided. He said it would be extremely helpful for those who would like to interact with these documents to get a better understanding of various things but also could be a future opportunity for discussion and he complimented the efforts to bring such a thorough report.

Mr. Robinson asked how the PBP would benefit from the report?

Ms. Pittinger clarified he was talking about the TASER Report and responded no, the report was not for the PBP it was not written with the police as a prospective reader in mind. It was a report to provide general information related to the background of the TASER as a tool.

Mr. Robinson asked about the Board coming out with a position on the PBP change in their policy regarding placement of TASER in the matrix of force?

Ms. Pittinger responded yes and that was what initiated the discussion of whether it should be at a level right below deadly force which now in the matrix model it falls around a level three.

It was decided to make two separate motions to adopt the reports individually.

Dr. Guercio called for a motion to accept the Taser Briefing Report as distributed the motion was offered by Mr. Williams and seconded by Mr. Robinson and the motion was adopted unanimously.

Dr. Guercio called for a motion to accept the After-Action Report (AAR) as distributed. The motion was offered by Mr. Williams and seconded by Mr. Robinson; the motion passed unanimously.

Mr. Robinson asked if the lack of police participation in the AAR is that always the case because of litigation and how much is being left out because of the lack of participation?

Ms. Pittinger explained that CPRB had a challenging time obtaining information from the PBP and part of that was because of CHRIA. The Bureau declined to provide investigative reports that would have helped establish some of the dynamics observed by police officers as well as informing their tactical approach and how the officers were deployed for crowd control and maintaining public order. CPRB stepped aside to allow the Densus Group to interview the police officers involved in the incidents of May 30 – June 1, 2020, but because of litigation and failure of administrators to facilitate, no police officers would cooperate and neither did citizens.

Mr. Robinsons' concern is if PBP did not even participate in the investigation where does this land for every recommendation it could be said that was not that way you did not have all the information when you made your recommendation as an opportunity to discount the recommendations. Mr. Robinson said the report was eye-opening and laid out well.

Mr. Williams replied that just the PBP receiving the report presents an opportunity for the Bureau to consider the recommendations and feasibility of implementing them.

Dr. Guercio asked if the 2009 G20 Summit held in Pittsburgh affected the CPRB's ability to obtain information.

Ms. Pittinger replied that the aftermath of the G20 summit severely impacted the information exchange between the Bureau and the CPRB. In preparation for the event, a National Security Event which heightened the security and secrecy of it, the CPRB assisted Councilman Bruce Kraus by facilitating a public meeting to discuss preparedness of the City and anticipation of public protests. Speakers included a former assistant to the Mayor of D.C., President of the Densus Group, Executive Director of the National Lawyers Guild, ACLU representatives, community representatives. After the summit, the Board received 89 Citizen Complaints. The Board subpoenaed numerous documents, reports, materials related to those 89 complaints. A dispute about the Board's authority to receive the police investigative reports emerged between the Board, Bureau of Police, the City, and the City's insurance carrier for the event. The CPRB sued the City. The litigation was controversial and led to City Council's passage of a "Will of Council" (a non-binding declaration) in which Council implored the CPRB to abandon the lawsuit against the City ([Legislation 2010-0624](#)). The Board pressed on. Favorable decisions for the Board were issued by the Court and then in June 2010 the Mayor announced he had removed five of the seven sitting Board Members.

Procedurally, the Board challenged the Mayor's authority to arbitrarily remove Members. City Council took up amendments to the CPRB's appointing procedure. Upon adoption of the amendments, the Board was reconstituted in September 2010 with Members protected from arbitrary removal. In 2020 the Members were further protected from arbitrary removal when the Home Rule Charter was amended by referendum.

Ultimately, the PA Statute entitled Criminal History Record and Information Act was introduced into the lawsuit by the City's insurance provider and the Law Department. CHRIA prevailed and since then, access to police investigative reports has been denied (unless introduced as evidence in a Court proceeding).

Dr. Guercio said it was a very well-done report and Ms. Pittinger replied that it was a team effort. Ms. Pittinger informed Members that both reports would be posted to the CPRB website, and a copy of the AAR will be presented to the Chief of Police.

The entire meeting may be viewed here: [Independent CPRB Regular Meeting 05/24/2022](#)

Ms. Pittinger informed the Board that the Pennsylvania Law Enforcement Accreditation Commission ([PLEAC](#)) has notified the Public Safety Director by letter that the enactment of Ordinance 508.3 places the Bureau in non-compliance with PLEAC standards. The PLEAC position is that the harm reduction/no contact traffic stops ordinance prohibits officers from enforcing eight sections of the PA Motor Vehicle Code. The PLEAC was developed by the Pennsylvania Chiefs of Police to enhance the probability of success through consistency for law enforcement agencies within Pennsylvania. Mr. Williams replied that was a concern of his that he mentioned in an earlier Board meeting and that more attention needs to be put on the supervision of the officers and not how to tell the officer how to police. The issue of disparity needs to be addressed, but the tools may need to be different to be more effective, but how effective they will be in the long term needs to be determined. When an officer is engaging in certain undesirable conduct, it should be addressed at that time and not by imposing a blanket rule.

The next PLEAC meeting will be on July 26th and revocation of the Bureau's accreditation will be an agenda item for the full Commission. The Mayor and Members of City Council were notified by a copy of the letter.

Dr. Guercio asked if the accreditation had been brought up in City Council?

Ms. Pittinger replied not that she was aware of it but that she had not monitored all the council meetings.

Mr. Robinson asked if the Board should take a position on the accreditation or approach PLEAC about their standards or is that getting ahead of it?

Ms. Pittinger explained she did not see an issue with sending a letter to PLEAC focused on local autonomy and the importance of tailoring community standards to community needs and equitable practices. Officers are sworn to uphold all the laws and statutes of the Commonwealth and the City is subordinate to the Commonwealth, so the City has to abide by those statutes, but we make adjustments because it is in the interest of the community, and we have the autonomy to do that with some things but not with all things.

Ms. Pittinger asked Mr. Williams if the PA Motor Vehicle Code requires separate authorization for officers to enforce it within their jurisdiction?

Mr. Williams responded yes; the basic understanding is that the MV Code is not enforced as criminal. The MV Statutes are designed for public safety. However, how the standards are enforced and being used should be part of the conversation regarding effective policing and other actions the Board wrestles with.

Mr. Robinson asked if there was room for the Board to give comments to City Council or for residents to give to the council?

Ms. Pittinger replied that she would explore those options and return to the Board in June, before the PLEAC meeting.

Mr. Williams went on to say that the way the meeting opened should be eye-opening. There is quantifiable data that exposes the disparity in marijuana arrests presenting an opportunity to either better address or even acknowledge that there might be an issue that the Board needs to be exposing or monitoring.

Ms. Pittinger reported the intake year to date is 86 received complaints so far this year.

Case Review:

Dr. Guercio moved to the Case Review Agenda (copy attached). Each group of recommendations was voted upon as recorded on the attached Case Review Actions.

Ms. Pittinger added comment to case 192-20 has been removed from the public hearing tract due to the SO leaving the jurisdiction and the allegations against a second officer named in the complaint were unsustainable.

Dr. Guercio asked if a motion was needed? Ms. Pittinger replied no it was taken care of at the pre-hearing conference.

Public Comment:

The Ozarks sent CPRB good wishes.

Mr. Davis

Mr. Franklin

The entire meeting may be viewed here: [Independent CPRB Regular Meeting 05/24/2022](#)

Unfinished Business

No unfinished business was presented.

New Business:

No new business was introduced.

Next Meeting:

Dr. Guercio announced the time and location of the next Board meeting: Tuesday, June 28, 2022, at 6:00 pm via Zoom. The meeting link will be posted on the cprbpg.org website and Facebook page.

Dr. Guercio called for a motion to adjourn, and the motion was offered by Mr. Green and seconded by Mr. Williams, and the motion was adopted unanimously.

The entire meeting may be viewed here: [Independent CPRB Regular Meeting 05/24/2022](#)

Respectfully Submitted,

Handwritten signature of Stephanie M. Dorman in cursive script.

Stephanie M. Dorman
Assistant Executive Director

Attachments (1): 05/24/2022 Case Review Actions

CPRB CASE REVIEW AGENDA 05/24/2022

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
REQUEST PUBLIC HEARING (0)				
FULL INVESTIGATION (3)				
049-22 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 the SO refused to take a report after she and her children were assaulted.	Authorize full investigation	More time is needed to determine if SO's violated PBP Policy and Procedures.
Ellwood 041-22	16-1.3.06 Conduct Unbecoming 16-1.3.13 Neglect of Duty 16-1.3.19 Truthfulness 53-01.6.3 Case Constables	The Cx alleges that the SO did not serve a subpoena for the Common Pleas case where W#1 was tried and convicted.	Authorize full investigation	More time is needed to determine if SO's violated PBP Policy and Procedures.
039-22 Hunt	Use of Force 12-6 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 the SO was disrespectful on the phone when he called to make a complaint about an incident that occurred with W#1.	Authorize full investigation	More time is needed to determine if SO's violated PBP Policy and Procedures.
30-DAY EXTENSION OF FULL INVESTIGATION (2)				
035-22 Hunt	16-1 (3.6) Conduct Unbecoming A Member 16-1 (3.7) Conduct Toward the Public 16-1 (3.9) Truthfulness 44-1 Arrests 45-2 (5.1) Warrantless Searches & Seizures	The Cx alleges that he was pulled over by SOs at gunpoint, handcuffed and was not read his Miranda Rights.	Authorize 30-day investigation	More time is needed to determine if SO#1 violated PBP Policy and Procedures.
018-22 Hunt	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7.1) (3.7.2) Conduct Towards the Public 16-1 (3.19.1) Truthfulness 16-1 (3.13) Neglect of Duty	The Cx alleges that on 12/21/2021, the SO neglected to investigate false charges filed against her by W#1, W#2, and W#3.	Authorize 30-day investigation	More time is needed to determine if SO#1 violated PBP Policy and Procedures.
UNSUSTAINABLE (1)				
130-20 Bridgett	16-1, (3.6) Conduct Unbecoming a Member 36-2 Property Room Procedures	The Cx states that she was arrested at a protest on 05/30/20 and her personal items including a messenger bag were not returned.	Dismiss as unsustainable	The evidence gathered is unable to prove or disprove the SOs violated PBP Policy and Procedures.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
UNFOUNDED (3)				
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	The Cx alleges the SOs used excessive force against his Grandson and Daughter (V#1 & V#2) for unknown reasons while they were leaving a bar called Tequila Cowboy.	Dismiss as unfounded	The evidence Gathered justifies SOs actions to use force in detaining V#1 and V#2
Ellwood 121-21	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.	Dismiss as unfounded	The Allegations made by the Cx are not substantiated by any available evidence that has been provided by the Cx or what has been gathered by the Investigator.
041-20 Ellwood	44-1(4.0) Arrests – Physical, Summons, or Warrant 12-06 (3.0) Use of Force	Cx alleges that SOs used excessive force in his arrest during a domestic violence call to Cx's daughter's home.	Dismiss as unfounded	The evidence Gathered contradicts the Cx's narrative of the events.
OTHER (1)				
Ellwood 019-21	37-01Lost-Stolen- Abandoned-Property 36-01, (6.0)Evidence Procedures	Cx alleges the SO arrested him after being told to leave Renewal, Inc. Cx alleges the SO took the female aggressor's side and he was arrested.	Authorize withdrawal	Cx has requested to withdraw his complaint.
SUSPENSION (1)				
001-22 ED Bridgett	16-1 (3.6) Conduct Unbecoming a Member 20-01 (6.4.1, 6.4.5, 6.4.6) No Harassment	On December 30, 2021, CPRB received an email from W#1 that detailed her sexual assault by a fellow PBP Officer (SO).	Authorize suspension until June 2022	More time to determine if the SOs violated PBP Policy and Procedures.

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

**CONTINUED SUSPENSIONS (14)
SUMMARIES PROVIDED UPON REQUEST OF MEMBERS**

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
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	More time is needed to obtain BWC footage, SO statements, affidavit of probable cause and receipts for vehicle repairs.	TBD
165-21 Ellwood	36-01 Evidence Procedure 36-02 Property Room Procedure 40-12.8 Police Response to Domestic Violence	More time is needed to determine who the SOs are because the CAD is unclear on which officers acted in what capacity and manner.	TBD
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	More time is needed to view the ER video footage to view the officer's conduct.	TBD
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	More time is needed for the investigator to get contact information for the combatants.	TBD
138-21 Ellwood	12-06.3.2 Use of Force 16-01.3.06 Conduct Unbecoming 16-01.3.07 Conduct Toward the Public	More time is needed to determine if the SO violated PBP Policy and Procedures.	TBD
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	More time is needed to determine if the SO violated PBP Policy and Procedures.	TBD
252-20 Ellwood	16-01 (3.7.1) Conduct Toward the 40-04 Public Motor Vehicle Stops	Waiting for SO statements.	TBD

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
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
041-20 Ellwood	44-1(4.0) Arrests – Physical, Summons, or Warrant 12-06 (3.0) Use of Force	Waiting on BWC from the attorney	TBD
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 investigator 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	The SO is off on worker's comp and may not return to full duty	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 as of 05/01/2022. The DA’s 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