



INDEPENDENT CITIZEN POLICE REVIEW BOARD

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Draft for
07/26/2022
Review

Minutes of the CPRB Meeting Held on June 28, 2022 (Mtg. No. 245)

Online Zoom Webinar # 873 0105 6073

Pittsburgh, PA 15219

Neighborhood: Citywide

Video of the meeting: <https://cprbpgb.org/245899>

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| Members Present: Dr. Emma Lucas-Darby, Chair Dr. Mary Jo Guercio Ms. Lakeisha Brown Mr. Elwin Green Mr. Raymond Robinson Solicitor: Atty. William F. Ward Staff Present: 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 | Excused Members: Ms. Karen McLellan, LEP* Mr. Sheldon Williams, LEP* Absent: None Vacancy: None *Law Enforcement Professional Excused staff: All present. |
|---|---|

The entire meeting may be viewed here: [Independent CPRB Meeting 06/28/2022](#)

Dr. Lucas-Darby, Chair, called the online Zoom meeting to order at approximately 6:11 p.m. and recognized the presence of a quorum. Mr. Williams and Ms. McLellan were excused.

Dr. Lucas-Darby called for corrections or additions to the Board meeting minutes conducted on June 28, 2022. Dr. Guercio offered the motion to accept the meeting minutes from the June 28, 2022, regular board meeting and Mr. Robinson seconded, and the minutes were adopted as distributed unanimously.

Opening remarks by the Chair:

Dr. Lucas-Darby remarked that she reviewed the minutes from last month's Board meeting and observed that there was quite a bit of information covered. The Taser report and the After-Action Report included lively discussion among the Board. Dr. Darby said she recognized the amount of work that went into reports and commended the Board for the discussions and for accepting the two reports.

Executive Director's Report:

Ms. Pittinger, Executive Director, reported to the Board that there was positive feedback from the first [Joint Performance Audit of the Pittsburgh Bureau of Police](#) conducted by the City Controller and the CPRB that was released on May 26, 2022. This audit is required pursuant to the 2020 Home Rule Charter referendum. The Bureau of Police has been receptive to the recommendations contained in the audit.

Ms. Pittinger reported that intake, year to date, is 101 complaints.

Ms. Pittinger informed the Board that CPRB has moved forward with regrouping with what CPRB intends to do with staffing. Ms. Pittinger reminded the Board that CPRB has an investigator position available that we had offered to a couple of candidates, but they declined. CPRB has decided to let the current list of candidates expire and to initiate a new list of qualified candidates for consideration for the investigator position and the second approved position is the new Community Liaison position. Ms. Hampton, Assistant Executive Director, is working with the Human Resources & Civil Service department on the creation of the new position. Both positions will need to be posted for a specified period. CPRB is looking to fill both positions as soon as possible but the investigator position is sooner than the liaison position.

Ms. Pittinger informed the Board of the annual intake report is still being refined. The intention is to have the report to the Board for the July meeting and then publicly released if the Board chooses to adopt the report.

CPRB will be hosting the quarterly meeting for the [Pennsylvania State Law Enforcement Citizen Advisory Commission \(PSLECAC\)](#) on Friday, August 5, 2022, at 10:00 am. [Link to join the August 5th meeting](#). CPRB received permission to reserve Council Chambers for the August 5th date. Technical logistics are still being worked out for the hybrid public meeting.

Mr. Robinson asked to clarify which meeting Ms. Pittinger was speaking about?

Ms. Pittinger replied it was the Pennsylvania State Law Enforcement Citizen Advisory Commission ([PSLECAC](#)) that was established in July of 2020 by [Governor Tom Wolfe](#). It is the only advisory commission of its kind in the country. The oversight encompasses all law enforcement agencies under the direction of the Governor in the Commonwealth.

Ms. Pittinger identified some outstanding issues that staff continues to monitor: officers receiving disciplinary notice for their failure to receive COVID-19 vaccinations ([WPXI Article](#)); the outstanding case of the alleged sexual assault (victim is not communicating with staff); a renewed controversy over payment for secondary police details ([Post-Gazette Article](#)); and Mr. Rogers' officer-involved death incident on October 13, 2021 remains outstanding. The criminal culpability determination remains in the hands of the District Attorney's Office.

Mr. Robinson asked for some discussion on the City being paid for the secondary employment details. Was it a result of the fallout of a previous Police Chief, Nate Harper?

Ms. Pittinger replied that secondary details, also known as moonlighting, remains a hot topic. The situation that Mr. Robinson is referring to involve a federal investigation into then Chief Harper and led to the discovery of irregularities in the Special Events office, including management of secondary employment.

As a result of all that was revealed, the PBP did change the way secondary details were managed, qualifications to participate in secondary details as well as financial accountability were applied to the finances associated with special event permits. The Bureau engaged a private company, Cover Your Assets, out of North Carolina. CYA was a computer-based clearinghouse for secondary detail opportunities offering a bidding & scheduling system. The details were listed and based on seniority the officers had the opportunity to claim a detail. The program seemed to have worked but there is always a way to get around some of the structural restrictions. It appears that the PBP has relinquished the use of an outside contractor to manage the details and has also changed the requirements for the qualifications to participate in the details. Ms. Pittinger explained she would like to revisit the topic in July once she can brief with reliable information.

Mr. Robinson thanked Ms. Pittinger for the background information and waits for further discussion at the July Board meeting.

The entire meeting may be viewed here: [Independent CPRB Regular Meeting 06/28/2022](#)

Ms. Pittinger informed the Board that while on vacation, she had a discussion with [WESA](#), a public radio station, about the pending revocation of the [Pennsylvania Law Enforcement Accreditation](#) for the PBP. The well-intended local public policy codified for harm reduction in traffic stops requires of the City of Pittsburgh's ordinance limit/discourage police officers from enforcing approximately eight sections of the Motor Vehicle Code and because officers are sworn, they are required and obligated to fulfill their duty to enforce whatever violations that they may observe. The City ordinance suggests otherwise and discourages the stopping of vehicles for certain reasons which the Board discussed last month with the Law Enforcement Professional Board Member, Mr. Williams, who explained the distinction between the Crimes Code and the Motor Vehicle Code. The accreditation the PBP worked so diligently on is now in peril. Accreditation is a message to the public that the Bureau is maintaining adherence to contemporary best practices and a reinforcement of the standards expressed in the 1997 Consent Decree. [The Chiefs of Police Association](#) will meet again on July 26, and at that time the status of PBP accreditation will be determined.

Ms. Pittinger informed the Board of a discussion with a KDKA reporter about an incident involving a pedestrian stop on Brookline Boulevard. The individual was held by a police officer until approximately 10-12 back-up officers were on scene. The CPRB staff viewed the video on Monday, and all agreed that there did not appear to be anything inconsistent with the Use of Force policies, detention, or anything of that nature. There could have been a covert operation in the area due to increased drug related activity. The large response raised the question of staffing and deployment priorities. The performance audit recommended a staffing study the results of which will explain the methods used to assign officers.

The entire meeting may be viewed here: [Independent CPRB Regular Meeting 06/28/2022](#)

Unfinished Business

No unfinished business was presented.

New Business:

Ms. Brown asked what it looks like when there is a departing chief of police and an entering chief of police. How does it look for the Board? Is it a different type of meeting?

Ms. Pittinger replied the Board will wait and see who will become the chief of police. The board has experienced approximately four or five chiefs, but it has little impact on the Board. Ms. Pittinger reminded everyone that the Board's focus is on the Bureau's policies and procedures. CPRB has not been involved in the selection of the chief of police.

Mr. Robinson asked once the new chief of police is brought on, who from the Board would meet with the appointed Chief to let him or her know the role of the Board?

Ms. Pittinger replied that an invitation would be extended to the entering chief to come to a meeting closest to the appointment time to have a discussion with that chief.

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.

Ms. Pittinger explained that some of what the Board has discussed and may discuss in case reviews are solely related to policy matters. Staff will make a recommendation to the Board to make a recommendation related to a policy and ask the Board to express what the Board wants to see in the policy. Ordinarily, CPRB ends up, because of the rules are such as they are, the Board has a limitation on when it can make a finding and a recommendation. Technically that cannot be done unless there has been a public hearing on the matter. The best way for the Board to influence police operations is through the PBP policies.

Dr. Darby replied that is good to know that the Board can give the PBP feedback so that they can seriously consider addressing a loophole or deficiency that may exist between what the policy says and the actual behavior of a police officer.

Mr. Robinson asked about the description Ms. Pittinger shared about the public hearing to clarify where there is no allegation against a police officer and there would be no public hearing, but there is a concern about a policy. The Board can make a policy change recommendation to the unit at the PBP.

Ms. Pittinger replied that what the Board receives regularly, is based on cases and the facts that have been found through the investigation. In the rules, the Board has the power to conduct a public hearing on any matter of concern to the Board, including policies and procedures, but when you receive a case summary and in the summary, the officer has not done anything because the policy doesn't prohibit whatever the officer did, that would be something that would need to be tweaked in the policy. It may go away as unfounded against the officer but there is still something there but a whole public hearing would not be conducted to make a finding that the officer did not do anything wrong, but the policy is deficient.

Dr. Darby asked how the Board would know it was a summary for a policy review?

Ms. Pittinger said it would be in the recommendations.

The entire meeting may be viewed here: [Independent CPRB Regular Meeting 06/28/2022](#)

Next Meeting:

Dr. Darby announced the time and location of the next Board meeting: Tuesday, July 26, 2022, at 6:00 pm via Zoom. The meeting link will be posted on the cprbpgh.org website and Facebook page.

Public Comment:

The Ozarks sent CPRB good wishes.

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

The entire meeting may be viewed here: [Independent CPRB Regular Meeting 06/28/2022](#)

Respectfully Submitted,

A handwritten signature in black ink that reads "Stephanie M. Dorman". The script is cursive and fluid.

Stephanie M. Dorman
Assistant Executive Director

Attachments (1): 06/28/2022 Case Review Actions

CPRB CASE REVIEW AGENDA 06/28/2022

| CPRB CASE NO. INVESTIGATOR | ALLEGATION(S) | SUMMARY | RECOMMENDATION | RATIONALE |
|---|--|---|-----------------------------------|--|
| REQUEST PUBLIC HEARING (0) | | | | |
| FULL INVESTIGATION (2) | | | | |
| 072-22 Hunt | 12-6 Use of Force 16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public 16-1 (3.19.1) Truthfulness 45-2 Warrantless Searches & Seizures | The Cx alleges that SOs broke down the doors to her residence, removed her, and her family and did not provide her with a search warrant until after SOs destroyed her property. | Authorize Full investigation | More time is needed to determine if SOs violated PBP Policy and Procedures when executing a search of the residence. |
| 063-22 Bridgett | 16-1 (3.6) Conduct Unbecoming a Member 40-4 Traffic Stops | The Cx alleges that he was pulled over because the window tint on his vehicle was too dark, but the Cx feels it stems from an incident that occurred in 2014-2015 | Authorize Full investigation | More time is needed to determine if SOs violated PBP Policy and Procedures when executing a search of the residence. |
| 30-DAY EXTENSION OF FULL INVESTIGATION (4) | | | | |
| 049-22 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 the SO refused to take a report after she and her children were assaulted. | Authorize 30-day investigation | More time is needed to determine if SOs violated PBP Policy and Procedures. |
| 041-22 Ellwood | 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 30-day investigation | More time is needed to determine if SOs violated PBP Policy and Procedures. |
| 039-22 Hunt | 12-6 Use of Force 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 the SO was disrespectful on the phone when he called to make a complaint about an incident that occurred between W#1 and other unknown officers. | Authorize 30-day investigation | More time is needed to determine if SOs violated PBP Policy and Procedures. |
| 018-22 Ellwood/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 SOs violated PBP Policy and Procedures. |
| UNSUSTAINABLE (0) | | | | |
| CPRB CASE NO. INVESTIGATOR | ALLEGATION(S) | SUMMARY | RECOMMENDATION | RATIONALE |
| UNFOUNDED (0) | | | | |
| OTHER (0) | | | | |
| SUSPENSION (1) | | | | |

| CPRB CASE NO. INVESTIGATOR | ALLEGATION(S) | SUMMARY | RECOMMENDATION | RATIONALE |
|---------------------------------------|--|--|---|--|
| 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 SOs illegally seized and searched his vehicle and residence before obtaining a warrant. | Authorize suspension until July 2022 | More time is needed 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 |
|---------------------------------------|---|---|------------------------------|
| 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 | The Investigator has reached out to the Public Safety Director to get a better understanding of the disciplinary hearing process and is waiting on a response. | TBD |
| 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, receipts for vehicle repairs, and identify the witnesses. | 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 | There was no contact information for the combatants in the investigative report. The investigator is trying to verify if all of the proper paperwork was completed. | 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 |

| CPRB CASE NO. INVESTIGATOR | ALLEGATION(S) | REASON FOR CONTINUED INVESTIGATION | POSSIBLE CLOSING DATE |
|---------------------------------------|--|---|------------------------------|
| 252-20 Ellwood | 16-01 (3.7.1) Conduct Toward the 40-04 Public Motor Vehicle Stops | Waiting for SO statements. | 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 |
| 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 06/13/2022. 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 |