



INDEPENDENT CITIZEN POLICE REVIEW BOARD

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Draft for
09/27/2022
Review

Minutes of the CPRB Meeting Held on July 26, 2022 (Mtg. No. 246)

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

Video of the meeting: <https://cprbpggh.org/268391>

<p>Members Present:</p> <p>Dr. Mary Jo Guercio Ms. Karen McLellan, LEP* Ms. Lakeisha Brown Mr. Elwin Green 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:</p> <p>Dr. Emma Lucas-Darby, Chair Mr. Sheldon Williams, LEP*</p> <p>Absent: None</p> <p>Vacancy: None</p> <p>*Law Enforcement Professional</p> <p>Excused staff: All present.</p>
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The entire meeting may be viewed here: [Independent CPRB Meeting 07/26/2022](#)

Dr. Guercio, Acting Chair, called the online Zoom meeting to order at approximately 6:21 p.m. and recognized the presence of a quorum. Dr. Darby and Mr. Williams were excused.

Dr. Guercio called for a motion to approve the Board meeting minutes from July 26, 2022. Mr. Raymond offered the motion and seconded Mr. Green, and the minutes were adopted unanimously.

Opening remarks by the Chair:

Dr. Guercio announced that the proceedings would adhere to the Board Meeting Agenda. Dr. Guercio requested that if anyone attending online had any remarks, to please put them in the comments section, and at the end of the meeting, each person would be limited to three minutes to speak.

Executive Director's Report:

Ms. Pittinger, Executive Director, thanked Dr. Guercio for chairing the meeting. She encouraged everybody to be careful, to mask up and make sure to get vaccinated and boosted.

Ms. Pittinger reported that intake has recorded 112 complaints, year-to-date. We have observed an unusual degree of fear of police expressed in a couple of complaints. Complainants and associates have expressed that they are afraid and worried about police. Staff responded immediately to the respective parties as we do not want people feeling unsafe from their police.

Ms. Pittinger informed the Board that the Solicitor's contract will conclude on December 31, 2022. With the August break coming up and the time required to process a new, extended, or renewed contract, the Board should consider the matter. Dr. Guercio asked if the Board could go into an executive session at the end of the meeting. Mr. Ward replied that the Board may do so and noted that neither he nor his associate would participate in the session. Dr. Guercio asked members if they could stay a few minutes after the Board meeting, and all members agreed to an executive session following the meeting.

Friday, August 5, 2022, CPRB will host the quarterly meeting for the [Pennsylvania State Law Enforcement Citizen Advisory Commission \(PSLECAC\)](#) in Council Chambers 414 Grant Street, 5th Floor, at 10:00 am or a link for the public meeting will be distributed within the next couple of days. The Commission is unique in the country, having oversight of state law enforcement agencies under the direction of a Governor. Gov. Wolf established the Commission in response to the public demand for systemic police reform in the wake of George Floyd's death on May 25, 2020. (Disclosure: Ms. Pittinger serves as Vice-chair of the Commission.)

Included in the August 5, 2022 meeting will be a panel discussion with [Dr. David Harris](#) from the University of Pittsburgh School Of Law, who's nationally known for his police community research, [Dr. Cynthia Young](#) from Penn State, College of the Liberal Arts African American Studies and the Chair of the [State College Community-Oversight-Board](#) , Mr. Anthony Erace Philadelphia [Citizens Police Oversight Commission](#), CPRB Chair Dr. Emma Lucas Darby, Mr. Tim Stevens, President of the Black Political Empowerment Project ([B-PEP](#)), Sergeant Tiffany Kline-Costa with Pittsburgh Bureau of Police (PBP) Community Engagement Office and others.

During the June board meeting, Mr. Robinson was particularly interested in the situation of the secondary employment situation with the PBP. Ms. Pittinger reported that the City Controller released a [Fiscal Audit of the Secondary Employment Trust Fund](#). Ms. Pittinger reminded the Board that the Bureau has been very cooperative in providing their personnel to have discussions with the Board to explain a particular topic or situation further. If the Board wishes to follow-up on the audit findings a representative of the Bureau will be invited to a future meeting. The following report was delivered by Pittinger.)

Secondary employment involves PBP officers being engaged by private parties to provide security services and enhanced police visibility. "Roll Call", previously known as Cover Your Assets (CYA), is an automated system for posting secondary detail jobs. Officers can log-in and claim a job. "Roll Call" collects the job's associated information, including assigned officer, number of hours for the detail, the start and end times of the job. The details are collected within Roll Call and reported to PBP Special Events Planning Office. The Special Events Planning Office is the designated unit responsible for facilitating and accounting for secondary details within the PBP.

The Bureau's [policy #29-01](#) governs how secondary details are authorized, officer eligibility, procedures for cancellations or substitution, limitations and accountability related to secondary details. Officers are protected under their City employment if injured or implicated in questionable conduct while performing police duties. Secondary employers must submit an application to be approved as a secondary employer. The Bureau reviews all secondary employer applicants through the Special Events Planning Office to determine qualification to participate.

Invoices sent to secondary employers are generated by the Special Events Planning Office based upon the report submitted by Roll Call. The Roll Call report itemizes by officer and employer the number of hours worked and amount due. The invoices are payable within 30 days. The policy does detail criteria required to work a secondary detail. First-year officers are limited to activities like traffic management or special events until they have 18 months on the job. After 18 months on the job, they are permitted to work a maximum of 21 hours of secondary details a week and it can be any detail that has been approved and authorized as a secondary detail. Second-year officers (PO2) are limited to 21 hours of secondary detail and third-year officers (PO3) are limited to working 29 hours of secondary details, fourth-year officers (PO4) and up, which include Master Police Officers (MPO), Sergeants, Detectives, and Lieutenants are authorized to work up to 37 additional hours a week in secondary employment.

The maximum number of daily worked hours permissible under the policy is 16 hours of work, including the regular shift. Officers who work an 8-hour shift may work an 8-hour secondary detail. Officers who work a 10-hour shift may work a 6-hour secondary detail in a 24-hour period.

The rate for the officers' compensation related to secondary details is also tiered based on rank and it is defined in the working agreement between the City and Ft. Pitt Lodge #1, Fraternal Order of Police (FOP). For example, the FOP wage designation for a PO1 through PO4 is based on one and a half times the MPO rate of pay plus 14%, equivalent to \$64.28 an hour plus the administrative fee of approximately \$6.42, resulting in an approximate cost \$70.72/hour. The employer is responsible for paying the hourly rate, with the hourly going to the officer and the administrative fee of approximately \$6.48 going back to the City. (The administrative fee is controlled by the City Code, [§170.06](#).)

At the end of June, the City Controller released a [fiscal audit](#) of the Secondary Employment Trust Fund and found some delays with secondary employers making their payments and despite a delay and/or with open balances, those vendors were still participating in the secondary employment program.

The fiscal audit recommended that the Bureau look more closely at how data collections are being managed so that the Special Events Planning Office can be more efficient, and consequences put in place if employers' payments are delinquent. The fiscal audit also recommended closer monitoring of hours worked by officers.

The third finding was related to monitoring the secondary employer application process to assure timely written notification to applicants of their status with explanation to those whose application has been rejected.

There remains an ethical issue as to whether it is appropriate to use public assets, including public police power, to protect and further private interests. Enforcement power belongs to the people of the City. It is not something that is unique and in the possession of an individual officer but is what secondary employers wish to buy, seeking the appearance and symbolism of authority. Regarding the engaged officers, they enjoy personal gain through their public employment as a police officer. Secondary details combined with regular work duty can also lead to officer fatigue and a disastrous outcome. The City, as employer, should be concerned about officers' overall well-being.

The Controller and CPRB recommended in their joint performance audit released in May, that the Bureau take a step back and do a staffing assessment of how many officers and hours are needed to meeting public safety goals while not exploiting those providing public safety.

Ms. Pittinger read a recommendation from the President's Task Force on 21st Century Policing, which is consistent with the recommendation made by the joint audit conducted by the City Controller and the CPRB that illuminated the need to be very conscious and aware of work shifts, hours of work and the impact on the efficiencies, safety and the overall well-being of the officers. The Task Force recommended that the US Department of Justice (DOJ) should encourage and assist departments in the implementation of scientifically supported shift lengths by law enforcement. It has been established by significant bodies of research that long shifts can not only cause fatigue, stress, and decreased ability to concentrate but also lead to other more serious consequences. Their action item is to recommend that the DOJ should fund additional research into the efficacy of limiting the total number of hours an officer should work within a 24 to 48-hour period, including special findings on the maximum number of hours an officer should work in a high-risk or high-stress environment such as public demonstrations, emergency situations, etc.

Ms. Pittinger went on to say that where the Bureau was 10-years ago compared to where they are now, they have improved the accountability mechanisms in place and they have limited the opportunity for abuse of the system but also increased the number of hours permissible for a person to work in a week, approximately by 5-hours for each rank.

Ms. Pittinger remarked that if secondary employers are willing to pay approximately \$8M for secondary details, we must consider that we are failing to provide the appropriate police service needed by our community.

Dr. Guercio asked if you own a business in the city proper, does that preclude them from hiring another borough's police officer at a lower rate?

Ms. Pittinger replied that the officer would not have jurisdiction in the City of Pittsburgh, nor could PBP officers take their uniform and go outside the city limits and offer security services.

Dr. Guercio asked if she owned a bar on the Southside and felt the City police officers were too expensive could she go to Homestead and get a police officer for a lesser rate.

Ms. Pittinger replied that no, you couldn't buy the police officer but if the police officer has completed and obtained certification under [PA Act 235](#), the individual could serve as an armed security guard but not in uniform, and they would not have police powers.

Mr. Robinson asked if an officer is already working overtime for the City, more than their 40 hours, will that impact the amount of secondary hours is it 37 per 40 or 37 on top of whatever you do for your day job?

Ms. Pittinger replied she was not sure and that the only limitation she could find was 16 hours per day. Ms. McLellan replied that they do have the limit of 16 hours per day in uniform. If an officer is working 2 hours overtime at work, they can only put in six additional hours that day.

The entire meeting may be viewed here: [Independent CPRB Regular Meeting 07/26/2022](#)

Unfinished Business

No unfinished business was presented.

New Business:

No new business was introduced.

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.

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

Next Meeting:

Dr. Guercio announced the time and location of the next Board meeting: Tuesday, September 27, 2022, at 6:00 pm via Zoom. The meeting link will be posted on the cprbpg.org website and Facebook page.

Public Comment:

The Ozarks sent CPRB good wishes.

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

The entire meeting may be viewed here: [Independent CPRB Meeting 07/26/2022](#)

Respectfully Submitted,



Stephanie M. Dorman
Assistant Executive Director

Attachments (1): 07/26/2022 Case Review Actions

CPRB CASE REVIEW AGENDA 07/26/2022

CPRB Case No. Investigator	Allegation(s)	Summary	Recommendation	Rationale
Request Public Hearing (0)				
Full investigation (0)				
30-DAY EXTENSION OF 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.	Authorized 30-day investigation 5-0	More time is needed to determine if SOs violated PBP Policy and Procedures.
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.	Authorized 30-day investigation 5-0	More time is needed to determine if SOs violated PBP Policy and Procedures.
Unsustainable (0)				
Unfounded (3)				
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 045-2.3.0 consent to search 16-01.3.12 Incompetency	The Cx alleges that SOs used excessive force when arresting the Victim during an incident near her home.	Dismissed as unfounded 5-0	The facts do not support a finding of misconduct.
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.	Dismissed as unfounded 5-0	The Investigator is unable to prove or disprove the Cx's allegations.
018-22 Ellwood	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7.1-2) 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 & W#3.	Dismissed as unfounded 5-0	There is no evidence showing the PBP violated any policy or procedure.

CPRB Case No. Investigator	Allegation(s)	Summary	Recommendation	Rationale
Other (1)				
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 Constable	The Cx alleges that the SO did not serve a subpoena for the Common Pleas case where W#1 was tried and convicted.	Authorized a policy review 5-0	There is a need to address the issue of PBP investigations where a new Responsible Constable (RC) needs to be assigned.
Suspension (1)				
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 suspension until September 2022 5-0	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 better understand the disciplinary hearing process and is waiting for 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