



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
2/27/24

NOTES of the CPRB Meeting Held on January 23, 2024 (Mtg. No. 260)

Online Zoom Webinar #884 1894 4985

Pittsburgh, PA 15219
Neighborhood: Citywide

Video of the meeting: <https://cprbpg.org/644111>

<p>Members Present:</p> <p>Dr. Mary Jo Guercio, Chair Mr. Daylon Davis Mr. Gregory Kottler Ms. Terri Shields</p> <p>Solicitor: Atty. William F. Ward</p> <p>Staff Present: Ms. Elizabeth C. Pittinger, Exec. Director Ms. Stephanie Hampton, Asst. Exec. Director Ms. Michelle Kirchner, Intake Coordinator/Lead Investigator Ms. Sherri Bridgett, Community Liaison Ms. Da'Mesha Carpenter, Administrative Assistant Ms. Nicole Edwards, Investigator Mr. David Ellwood, Investigator Ms. Tiffani Hunt, Investigator</p> <p>*Law Enforcement Professional</p>	<p>Excused Members:</p> <p>Mr. Raymond Robinson, Vice Chair Absent: Mr. Sheldon Williams, LEP*</p> <p>Vacancy: Seat #2 – LEP – Council Designate</p> <p>Excused staff: All present.</p>
--	--

The entire meeting may be viewed here: [Independent CPRB Meeting 1/23/2024](#)

Dr. Mary Jo Guercio, Chair, called the online Zoom meeting to order at approximately 6:03 p.m. Dr. Guercio acknowledged the presence of a quorum.

Opening remarks by the Chair:

Dr. Guercio started the meeting by welcoming new Board member Mr. Daylon Davis and explained how board meetings are conducted.

Dr. Guercio proposed scheduling some upcoming meetings in person and explained that pre-COVID the Board would meet in Council Chambers and local community centers. This discussion will be revisited at the February meeting.

Executive Director's Report:

Ms. Elizabeth Pittinger, Executive Director, welcomed Mr. Daylon Davis to the Board. Mr. Davis was sworn into his seat on the Board on January 16, 2024. He will succeed Dr. Emma Lucas-Darby in the non-law enforcement professional seat designated as Mayoral seat number six. This term will expire on October 31st, 2027.

Ms. Pittinger introduced and welcomed the new CPRB Investigator, Ms. Nicole Edwards, who was in attendance. Ms. Edwards was appointed to her position on December 18, 2023.

The City Code requires all newly appointed Board members and staff to attend the Citizen's Police Academy (CPA) [Student and Citizen's Police Academy | pittsburghpa.gov](https://pittsburghpa.gov). The next CPA session will begin on February 28, 2024, and will be conducted for the next 12 weeks at the Jewish Community Center in Squirrel Hill. Seats have been reserved for the three new Members and Ms. Edwards.

Ms. Pittinger also informed the Board of the Student Police Academy (SPA) [Student and Citizen's Police Academy | pittsburghpa.gov](https://pittsburghpa.gov), which is for high school students and runs for about ten weeks. It is similar to the CPA and allows students to familiarize themselves with the officers and their experience.

The annual Race and Justice Summit, formerly known as the Black and White Reunion, was scheduled for Jan 19th and 20th but was postponed due to inclement weather and illness. All will be updated when a new date is announced.

Ms. Pittinger touched on in-person meetings. If that is the Board's desire, it should be revisited in the next Board meeting so outside arrangements can be made.

Ms. Pittinger reminded the Board that confidentiality is vital when reviewing the complaints brought to the Board. Unless a complaint goes to a public hearing, all information related to a complaint must remain confidential and not discussed with anyone outside of the Board or Board staff. This requirement is established by law. There is no personally identifiable information in the summaries, which helps ensure that Members can fairly review these cases without bias or need to recuse themselves.

The entire meeting may be viewed here: [Independent CPRB Meeting 1/23/2024](https://pittsburghpa.gov)

Ms. Pittinger reminded the Board that she and Dr. Guercio are the only two representatives authorized to speak on behalf of the Board. In certain situations, the Chair of the Board can designate a member to talk about a specific topic. Otherwise, to maintain consistency and credibility, all public statements shall be reserved to the Chair of the Board or the Executive Director.

Ms. Pittinger discussed the settlement between the City and the Estate of Jim Rogers. The parties agreed to an \$8 million dollar settlement pending approval by City Council. After the Council action, questions arose

about the foundation of the settlement. Among the concerns was the Medical Examiner's official ruling on the manner of Mr. Rogers' death as accidental. Other questions arose about Mr. Rogers' condition upon arrival and during his hospitalization, whether he was under the influence of any substance and the verification of his biological survivor(s). As these questions became more common, the Council President sought to hold payment of the initial \$4 million dollars until the questions were resolved. However, the check had already been released to the estate.

It is also known that three of the four officers who were initially fired were re-instated to their jobs through arbitration. The remaining officer's status (the original responding officer) is pending arbitration. The District Attorney (DA) has not initiated any criminal process against any officers involved in the incident. Though it has been reported that a Grand Jury did receive the case, there have been no indictments against the officers. These circumstances beg the question of who is responsible for the death of Mr. Rogers. The City Solicitor stated in a press conference that the officers are responsible for the death, and as a result, the settlement has been made. The terms of the settlement are unknown to staff though we are searching Court records for a copy of the agreement.

Mr. Daylon Davis asked why the settlement agreement could not be found. Ms. Pittinger replied that the settlement document that identifies terms and amount of \$8 million dollars was not located in the court record by staff, at least not through the week of January 19, 2024. Mr. Davis asked if a formal investigation into the incident that led up to Mr. Roger's death had been opened. Ms. Pittinger explained the DA has never issued a prosecutorial decision in the Rogers case, so CPRB had to evaluate the case in a general way, not the actions of certain officers.

CPRB investigators were at the scene of the incident the day of the incident. They spoke to witnesses and viewed local video. They found that the encounter was questionable regarding the responding officer's management of the incident. The Rogers incident is one of four instances that caused the Board to open an inquiry into the training of PBP Supervisors, including pre- and post- preparation of police supervisors.

Body Worn Cameras (BWC) Video: In 2017, the PA legislature passed a statute known as [Act 22 of 2017](#), which dealt with public access to BWC video. The law outlines how the public can request BWC video from police agencies. CPRB investigators have had the benefit of viewing BWC footage during investigations involving administrative misconduct allegations, not criminal allegations because that material is protected under the Criminal History Record Information Act ([CHRIA](#)).

The entire meeting may be viewed here: [Independent CPRB Meeting 1/23/2024](#)

The Office of Municipal Investigations (OMI) has changed its procedure for investigating complaints over the last few years. If an officer's conduct would benefit from supervisory intervention, they will refer that complaint to the Zone supervisors and not conduct a full investigation. OMI also has access to all BWC video footage, which means they can close a case without further investigation, including not collecting officer statements. Officer statements are protected under [Garrity](#) to guard against self-incrimination. the statements cannot be used in any criminal proceeding. In 2004, CPRB came to a settlement agreement with the City through a court order that, with the issuance of a subpoena, officer statements under Garrity would be obtained. This would provide the officer's perspective of the incident. Officer statements are confidential and

are not used unless the officer says something contradictory to the statement at a Public Hearing. In that case, the prosecutor use may use the statement to impeach the subject or witness officer.

The officer statements and BWC footage are essential to CPRB investigations, but they are not being received due to the recent PBP personnel changes. On November 15, 2023, Investigator Ellwood was directed by the City Solicitor to the District Attorney's office for access to body worn camera video. The City Solicitor indicated that there was an agreement between the City and the DA that controls access to BWC video.

A copy of that agreement (Memorandum of Understanding/MOU) was requested but has not been received, nor has a response been issued. The DA's office also stated that it would cost the CPRB as requestor \$600 to obtain the BWC footage. Ms. Pittinger is currently trying to schedule a meeting with herself, Mr. Ward, CPRB Solicitor, and the City Solicitor to discuss these protocols, procedural issues, and recent changes and establish protocols enabling CPRB investigators to conduct investigations and in compliance to the Charter.

Mr. Kottler asked if the Student Police Academy classes were at capacity and if students received any credit for attending the Academy. Ms. Pittinger responded that there is a certificate of completion for taking the course, but students do not receive any school credits for attending. Mr. Ward responded that the flyer stated at the very bottom that the program is not an accredited certification course to become a sworn police officer. Mr. Kottler responded he was asking in consideration of a student who might need help with credits for graduation. Investigator Hunt responded that her daughter attended the SPA. She received a certificate but did not get any credits.

Mr. Davis asked what date the MOU was asked for. Ms. Pittinger responded on November 15, 2023.

Ms. Shields asked about scheduling meetings in the community. She stated that she has a non-profit and thought that convening a Board meeting in the Hazelwood Community would be a good idea. Ms. Pittinger and Dr. Guericco advised her of the different locations the Board has been to over the years, which usually included community centers, healthy living centers, churches, etc. CPRB will usually be invited to these places or ask to be invited.

New Business:

Discuss if and when to return to Council Chambers and the community for public Board meetings.

The entire meeting may be viewed here: [Independent CPRB Meeting 1/23/2024](#)

Case Review:

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

Dr. Guercio explained the case numbers for some of the new members. The cases are assigned in chronological order. The first number will be the number of the case, and the second number will be the year the complaint was brought to CPRB. (e.g., 001-23, 002-23, etc.)

Mr. Davis asked if the new members could be provided with a reference sheet for the different acronyms and terminology commonly used in the summaries/case reviews. Ms. Pittinger responded that a reference will be provided.

A motion to approve the 12/05/2023 Board meeting minutes was offered by Mr. Kottler, seconded by Mr. Davis, and approved unanimously.

Unfinished Business:

None

Public Comment:

Mr. and Mr. Ozark said Hello and Happy New Year!

Ms. Pittinger expressed her appreciation to the staff of CPRB for all their work and effort through the many changes over the past few years.

Next Meeting:

The next meeting will be held on Tuesday, February 27, 2024. All Board Meetings will be held via Zoom until further notice.

A motion to adjourn the meeting was offered by Mr. Daylon Davis, seconded by Ms. Terri Shields, and approved unanimously.

Respectfully Submitted,



Stephanie M. Dorman
Assistant Executive Director
Attachments (1): 1/23/2024 Draft Case Review Agenda

CPRB CASE REVIEW AGENDA 01/23/2024

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (0)				
FULL INVESTIGATION (3)				
194-23 Hunt	16-1 (3.06) Conduct Unbecoming A Member 16-1 (3.07) Conduct Toward The Public 44-1 Arrests 45-2 Warrantless Searches & Seizures	The Cx alleges that the SOs harassed him because Environmental Services accused him of throwing objects at them, and the SOs helped CFY take away his children.	Authorized Full Investigation 4-0	Preliminary Inquiry (PI) supports the cause to investigate if SOs violated PBP Policy and Procedures.
191-23 Edwards	12-06 Use of Force Unbecoming a Member or Employee	The Cx alleges the SO was rude, discourteous, and used excessive force on W#1 after asking for identification because they were sitting in her vehicle listening to loud music.	Authorized Full Investigation 4-0	Preliminary Inquiry (PI) supports the cause to investigate if SOs violated PBP Policy and Procedures.
138-23 Ellwood	16-01.3.6.3 Conduct Unbecoming a Member or Employee 16-01.3.7.2 Conduct Toward the Public 45-02 Warrantless Searches and Seizures	The Cx alleges that the SOs stopped him and did an illegal search after a 911 call for suspicious activity near W#2's home.	Authorized Full Investigation 4-0	Preliminary Inquiry (PI) supports the cause to investigate if SOs violated PBP Policy and Procedures.
30-DAY EXTENSION OF FULL INVESTIGATION (0)				
UNFOUNDED (1)				
188-23 Ellwood	40-11.4.0 Forced Entry-Check on the Well-being Calls	The Cx alleges that the SO and other unknown persons entered his home for a welfare check and did not secure his home properly before leaving.	Authorized dismiss as unfounded 4-0	There was insufficient information to prove or disprove the Cx's allegations.
UNSUSTAINABLE (3)				
206-22 Bridgett	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public 36-02 Property Room Procedures 45-2 Warrantless & Search and Seizure	The Cx alleges that the SOs conducted a search warrant at her boyfriend's (W#1) residence and ended up taking several of her electronics and searching her vehicle	Authorized dismiss as unsustainable 4-0	There was insufficient information to prove or disprove the Cx's allegations. The FOP Attorney confirmed that the Cx could retrieve her belongings on 01/05/2024.

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
100-22 Bridgett	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public	The Cx alleges that she was charged with trespassing on her property.	Authorized dismiss as unsustainable 4-0	The investigator could not obtain any court documents due to the PA Clean Slate Law. The investigator could not prove or disprove the Cx's allegations.
073-23 Ellwood	16-01.3.6 Conduct Unbecoming 16-1.3.13 Neglect of Duty	The Cx alleges that the SOs were aggressive toward her and neglected their duties after she called about W#1 harassing her.	Authorized dismiss as unsustainable 4-0	The SOs explained to the Cx how to file a private Complaint with the DA. The Cx has not responded to the investigator's attempts to contact her.
OTHER (1)				
161-23 ED Ellwood	16-1.3.13 Neglect of Duty 40-15.5.0 Responding to Incidents Involving People with Mental Illness	The Cx alleges the SO was inappropriate towards her during a medical emergency.	Authorized Rude and Discourteous hearing. 4-0	The SO did offer medical assistance however, his comments made the complainant feel very uncomfortable
SUSPENDED (1)				
162-23 ED Ellwood	12-06 Use of Force 12-08 Matrix of Control 16-01.3.06 Conduct Unbecoming 16-01.3.07 Conduct Toward the Public 44-01 Arrests	The Executive Director opened an inquiry because of a video of an incident on 08/25/2023 at the corner of Strawberry Way and Smithfield Street in Downtown Pittsburgh involving the SOs allegedly using excessive force in the arrest of the victim.	Authorized suspension until February 2024 4-0	More time is needed to determine if SOs violated PBP Policy and Procedures.

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

**CONTINUED SUSPENSIONS (22)
SUMMARIES PROVIDED UPON REQUEST OF MEMBERS**

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
155-23 Hunt	12-6 Use of Force 16-1 (3.06) Conduct Unbecoming a Member 16-1 (3.07) Conduct towards the public 44-01 Arrests	More time is needed to determine if SOs violated PBP Policy and Procedures.	TBD
136-23 Ellwood	16-01.3.6 Conduct Unbecoming 16-01.3.13 Neglect of Duty 41-03.3.3.6 Crash Response Reporting 69-03.8 Body Worn Camera and Digital Evidence Storage Systems	More time is needed to determine if SOs violated PBP Policy and Procedures.	TBD
131-23 Ellwood	16-01.3.6 Conduct Unbecoming 16-01.3.7 Conduct Toward the Public 16-01.3.13 Neglect of Duty	More time is needed to determine if SOs violated PBP Policy and Procedures.	TBD
113-23 Ellwood	12-03 Oath of Office 12-06.3.0 De-escalation (Use of Force) 16-01.3.6 Conduct Unbecoming a member or employee 16-01.3.7 Conduct Toward the Public	More time is needed to determine if SOs violated PBP Policy and Procedures.	TBD
106-23 Hunt	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public 16-1 (3.19) Truthfulness 16-1 (3.13) Neglect of Duty	More time is needed to determine if SOs violated PBP Policy and Procedures.	TBD
049-23 Ellwood	16-01.3.6 Conduct Unbecoming 16-01.3.7 Conduct Toward the Public 16-01.3.19 Truthfulness 40-19.3.10.3 Correction of Reports 46-01.7.0 Interrogations 46-01.8.0 Administering	More time is needed to determine if SOs violated PBP Policy and Procedures.	TBD

	Miranda 69-03.8.0 Body Worn Camera Recordings		
CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
083-23 Bridgett	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public	The investigator is waiting to speak with W#1	TBD
055-23 Ellwood	16-01.3.6 Conduct Unbecoming 16-1(3.7) Conduct Towards the Public 16-01.3.13 Neglect of Duty	More time is needed to identify the SO for this case and determine if they violated PBP policy by denying an escort from the church to the Cx home when called.	TBD
043-23 Hunt	12-6 Use of Force 16-1 (3.6) Conduct Unbecoming a Member/Employee 16-1 (3.7) Conduct toward the public	More time is needed to obtain BWC footage from PBP and CCTV footage from Tequila Cowboy.	TBD
025-23 Ellwood	16-01.3.6 Conduct Unbecoming 16-01.3.19 Truthfulness 40-19.3.4 Reports General	The Investigator is working to locate W#2 to conduct an interview.	TBD
029-23 Ellwood	16-01.3.7.2 Conduct Toward the Public 40-19.5.1.5 Mandatory Reports by Bureau Policy	More time is needed to determine if the SO violated PBP Policy and procedures when he failed to provide the Cx with a report that she requested.	TBD
028-23 Ellwood	16-1.3.7 Conduct Toward the Public 16-1.3.13: Neglect of Duty 40-19 Reports	More time is needed to determine if SOs violated PBP Policy and Procedures.	TBD
010-23 Hunt	11-3 Unbiased Policing 16-1 (3.6) Conduct Unbecoming a Member 16-1(3.7) Conduct Towards the Public 16-1(3.13.1) Neglect of Duty 40-19 Reports 69-03 (8.1.2) Body Worn Camera	More time is needed to determine if the SO violated PBP policies and procedures when he neglected his duty to take a report for a traffic accident.	TBD
181-22 Bridgett	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward The Public 16-1 (3.13) Neglect of Duty PBP 41-03 Crash Response.	More time is needed to review BWC.	TBD

102-22 Ellwood	12-06 Use Of Force 16-1.3.06: Conduct Unbecoming 16-1.3.07: Conduct Toward The Public 16-1.3.13: Neglect of Duty	More time is needed to determine if the SOs violated PBP Policy and Procedures when interacting with the Cx during two separate incidents.	TBD
CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
099-22 Hunt	11.3 (3.0) Un-biased Policing 12-6 Use of Force 16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward The Public	More time is needed to determine if SOs violated PBP Policy and Procedures.	TBD
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	More time is needed to obtain BWC footage, SO statements, Affidavit of Probable Cause, receipts for vehicle repairs, and identify witnesses.	TBD
020-22 Hunt	16-1 (3.6) Conduct Unbecoming a Member or Employee 16-1 (3.7) Conduct Toward the Public 16-1 (3.13) Neglect of Duty 16-1 (3.19.1) Truthfulness 53-01, Court Appearances	The Cx, the victim of a home invasion, alleges that SO#1 was rude and discourteous towards her when she questioned why W#1 did not appear in court that day.	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 Citation	More time is needed to obtain BWC footage, SO statements, affidavits of probable cause, receipts for vehicle repairs, and identify the witnesses.	TBD
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 from the PBP. Possible withdrawal.	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
--------------------	---	-------------------------------------	-----