



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
5/28/24
Review

NOTES of the CPRB Meeting Held on April 23, 2024 (Mtg. No. 263)

Online Zoom Webinar # 854 0367 9472

Pittsburgh, PA 15219
Neighborhood: Citywide

Video of the meeting: <https://cprbpg.org/691699>

<p>Members Present:</p> <p>Dr. Mary Jo Guercio, Chair Mr. Daylon Davis Ms. Terri Shields Mr. Sheldon Williams</p> <p>Solicitor: Atty. William F. Ward *Law Enforcement Professional</p> <p>Staff Present:</p> <p>Ms. Elizabeth C. Pittinger, Exec. Director Ms. Stephanie Hampton, Asst. Exec. Director Ms. Michelle Kirchner, Lead Investigator Ms. Sherri Bridgett, Community Liaison Ms. Da'Mesha Carpenter, Admin. Assistant Ms. Nicole Edwards, Investigator Mr. David Ellwood, Investigator Ms. Tiffani Hunt, Investigator</p>	<p>Excused Members:</p> <p>Mr. Gregory Kottler Mr. Raymond Robinson</p> <p>Absent:</p> <p>Vacancy: Seat #2 – LEP – Council Designate</p> <p>Excused staff: All present.</p>
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The entire meeting may be viewed here: [Independent Citizen Police Review Board Meeting 4/23/24](#)

Dr. Mary Jo Guercio, Chair, called the online Zoom meeting to order at approximately 6:08 p.m.

Dr. Guercio acknowledged that the Board did not have a quorum and that the meeting would be strictly informational unless another member appeared.

Two Board members, Mr. Raymond Robinson and Mr. Gregory Kottler, were excused. Ms. Terri Shields' attendance was expected.

Opening remarks by the Chair:

Dr. Guercio informed the Board members that they should have received the survey for the CPRB website that was discussed and agreed to complete at the last Board meeting and asked all Board members to complete the survey and provide feedback.

Executive Director's Report:

Ms. Elizabeth Pittinger, Executive Director, reminded the Board no official business could be conducted due to the absence of a quorum, and if that should change, then the Board could take care of some of the matters that would need to be voted on.

Ms. Pittinger informed the Board that the Statement of Financial Interest (SoFi) was sent to all Board members on April 9, and the 22 is due **May 1st**. The SoFi is intended to demonstrate to the public that members who have a vote can influence policy or make decisions that will affect others without a conflict of interest.

Ms. Pittinger noted some Board members' interest in the hiring process for staff. Ms. Pittinger described that when a vacancy occurs, Human Resources/Civil Service(HR/CS) is notified. The position is analyzed for any revisions and the vacancy is posted; applications are received by HR/CS and screened for qualification. The qualified applicants are forwarded to the Executive Director. Interviews are conducted and a candidate is selected. An offer is made and if accepted, further verifications are made and if successful, an appointment to the position for processing and selection. In the case of the Executive Director's position, the same process is followed and qualified applicants are provided by HR/CS to the Chair for further processing, selection and appointment.

Mr. Bill Ward, Solicitor for CPRB, and Ms. Pittinger met with the City Solicitor on April 11th regarding staff access to documents and evidence that were previously obtained routinely. This meeting emphasized the need for a specific protocol to ensure CPRB receives the documentation necessary to fulfill its obligation. In the Charter and the City Code, the City is directed to cooperate, fully participate, and provide what is needed to conduct investigations, and they're not doing that.

CPRB gathered copies of the document requests that had not been fulfilled and subpoenas that were delivered with the full knowledge that we would be holding on enforcing them because we understood there were other issues attached to our requests, such as a subpoena for BWC footage. There is an agreement in which the City has delegated the authority to grant access to BWC to the District Attorney's office, which is permissible under the State Statute; however, the DA's control is to be limited to video that may contain criminal acts that may be evidence and be necessary for a prosecution or a criminal investigation. The agreement specifically states that the DA's control of access to BWC video does not include review for administrative misconduct which is what CPRB would want to see. CPRB fully understands what the Criminal History Records Information Act [CRHIA](#) protects.

Mr. Ward stated that the City Solicitor will assign someone from her staff as the contact person so the requests do not go unnoticed. Once the document request list is sent to the City Solicitor, they will review it with the Office of Municipal Investigations (OMI) to see why these documents have not been sent. The objective is to find a protocol that works that can be reinstated formally where it had been done informally for years. The City Solicitor pledged to continue working with the Board and OMI to establish a protocol. She did carve out the issue of BWC to the extent that she is proceeding cautiously in the agreealight of the agreement with the District Attorney.

The entire meeting may be viewed here: [Independent CPRB Board Meeting 4/23/2024](#)

Ms. Pittinger also informed the Board about the issue of [Garrity statements](#) (subject officer statements) not being taken by OMI. Complaints are being dismissed by OMI on BWC Footage, which CPRB has not received and cannot review but used to be able to view either with OMI or a Chief's designee.

Mr. Williams asked why there would be an issue with the DA releasing the BWC if they did not pursue a criminal complaint. Mr. Davis added that the CPRB staff should still have access to the information even if a criminal investigation is pending. Mr. Ward emphasized that it is not the Board's practice to seek information if a criminal investigation is pending.

Dr. Guercio asked for a point of clarity: will they be releasing some of the information we've been waiting for? Ms. Pittinger replied that we are still receiving some material or developed work-arounds through other sources. However, access to that which we had become accustomed has diminished. It could be related to a transition in the computerized dispatch system that's undergoing at the county.

Ms. Pittinger reminded the Board that some years ago, the Board discussed B3 and the change to an electronic run sheet and software that would integrate with County 911 so that all this information would flow automatically into the Run sheets and the daily reports that the police file, but that never happened. We believe that there is a new effort underway to upgrade the County CAD system which will include some of those elements and be helpful for local automated recordkeeping.

Mr. Williams asked for clarity, is BWC was subject to CPRB's subpoena power? Because of the agreement between the City & DA that controls access to BWC video, we were trying to establish the protocol mentioned earlier. Ms. Pittinger replied that there is another process available under the State Statute, which is to go to the Court of Common Pleas and request access to video obtained from BWC. The specificity with which that request is to be made makes it so onerous that it effectively dissuades citizens from seeking BWC.

Mr. Williams replied that if they do not move forward criminally, why would that not, given who we are and empowered to be who we are, why can't we have access to the information for any administrative purposes?

Mr. Daylon Davis, a Board member, added this body is supposed to review any and all interactions. If it does become a situation where the DA is taking up a case in a particular matter, that should not preclude Ms. Pittinger and her staff from at least having the information for a later date for when that is resolved to then look at the potential administrative violations.

Mr. Ward replied that has not been the practice of this Board. The Board has deferred while a criminal investigation is pending. Ms. Pittinger added that we are looking at when CHRIA protection ends, but we can never find out when that might be. The CHRIA seems to seal and protect anything that was involved in any kind of an investigation involving a criminal question. Because of the sensitivity of criminal investigations and associated information, even the Right to Know Act in Pennsylvania, the Open Records Act, has a separate parallel track for police and law enforcement records.

Ms. Terri Shields, a Board member, has joined the meeting. A quorum has been established.

The entire meeting may be viewed here: [Independent CPRB Board Meeting 4/23/2024](#)

Ms. Pittinger clarified that the Board has an obligation to review any incident from which a complaint arises. if it is criminal in nature, the Board has to step back until there's a clearance and a disposition of any criminal allegation against a police officer who may have been involved in an incident for which a complaint has arisen.

Mr. Davis wanted to know how often CPRB reaches out to the DA regarding the BWC footage and the cost of receiving the footage. Ms. Pittinger responded that CPRB does not and has not ever received BWC from the DA's Office, and staff had a workaround in the past where they could view the footage. She also shared that the last time the DA was contacted, they stated that the fee to receive the BWC footage would be \$600.

Mr. Williams expressed dissatisfaction with the other agencies' lack of cooperation in properly providing CPRB staff with the necessary documents to investigate the complaints.

A motion to approve the 03/26/2024 Board meeting minutes was offered by Mr. Williams, seconded by Mr. Davis, and approved unanimously.

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.

Mr. Williams wanted a further explanation for case #027-24 ED needing a 30-day extension. Investigator Hunt responded that she had spoken with Atty. Cimballa after the case had been set for review. After speaking with him, he was advised that the officer had been disciplined for that specific incident and this complaint would now be moving on to be dismissed.

Unfinished Business:

No unfinished business was presented.

New Business:

No new business was introduced.

Next Meeting:

Dr. Guercio announced the date and time of the next Board meeting: Tuesday, May 28, 2024, at 6:00 p.m. via Zoom. The meeting link will be posted on the cprbpg.org website and FaceBook page.

Public Comment:

Mark and Tris Ozark greeted the Board.

A motion to adjourn the meeting was offered by Mr. Robinson, and seconded by Mr. Kottler and approved unanimously.

Dr. Guercio adjourned the meeting at approximately 7:04 p.m.

The entire meeting may be viewed here: [Independent CPRB Board Meeting 4/23/2024](#)

Respectfully Submitted,

Handwritten signature of Stephanie M. Dorman in cursive script.

Stephanie M. Dorman

Assistant Executive Director

Attachments (1): 04/23/2024 Draft Case Review Agenda

CPRB CASE REVIEW AGENDA 04/23/2024

CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
PUBLIC HEARING (0)				
FULL INVESTIGATION (1)				
029-24 Hunt	16-1 (3.06) Conduct Unbecoming a Member 16-1 (3.07) Conduct Towards the Public 40.0- 04 Motor Vehicle Stops	The Cx alleged that he was surrounded by unknown SOs who pointed their weapons at him, shouted profanities, and threatened to shoot him.	Authorize Full Investigation 4-0	Preliminary Inquiry (PI) supports the cause of investigating if SOs violated PBP Policy and Procedures.
30-DAY EXTENSION OF FULL INVESTIGATION (3)				
027-24 ED 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 43-10 (10.3) Juvenile Policies and Procedures	An Executive Director inquiry (EDI) has been opened based on a WPXI News release that shows excessive force used on a handcuffed juvenile who was shoved against a wall by the SO while in custody	Authorize 30-day Investigation 4-0	More time is needed to determine if SOs violated PBP Policy and Procedures.
016-24 Ellwood	11-3, (4.1.3) Unbiased Policing 16-01, (3.6) Conduct Unbecoming a Member 16-01, (3.7) Conduct Toward the Public 40-4, (3.2) Stopping Traffic Violators	The Cx alleged that the SO racially profiled him when he saw him in a luxury vehicle and then targeted him while he was a passenger in W#3's vehicle.	Authorize 30-day Investigation 4-0	More time is needed to determine if SOs violated PBP Policy and Procedures.
014-24 ED Ellwood	12-06 Use of Force 12-07 Discharge of Firearms and Less Lethal Weapons 12-08 Matrix of Control	The Executive Director has opened an inquiry into the shooting of a male Victim on the 1900 block of Huron St. in the Southside Slopes neighborhood of Pittsburgh.	Authorize 30-day Investigation 4-0	More time is needed to determine if SOs violated PBP Policy and Procedures.
UNFOUNDED (1)				
025-24 Ellwood	12-3, (2.0) Oath of Office 16-01, (3.6) Conduct Unbecoming a Member 16-0, (3.13) Neglect of Duty 44-01, (4.0) Physical Arrests	The Cx alleges that the SO failed to arrest W#1 after he violated a no-contact order and had an outstanding warrant for failure to appear in court.	Authorize dismiss as unfounded 4-0	There was insufficient information to prove or disprove the Cx's allegations.
CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	SUMMARY	RECOMMENDATION	RATIONALE
UNSUSTAINABLE (0)				
OTHER (1)				
102-22 Ellwood	12-06 Use Of Force 16-1.3.06: Conduct Unbecoming a Member 16-1.3.07: Conduct Toward The Public 16-1.3.13: Neglect of Duty	Cx alleges that the SOs used excessive force in arresting her and that it was illegal to arrest her because she was trying to protect W#4, her wounded son, from the SOs during his arrest.	Dismiss as Lack of Cooperation 4-0	The Cx has stopped cooperating. A ten day certified letter was mailed, but no response has been received.
SUSPENDED (0)				

**CONTINUED SUSPENSIONS (13)
SUMMARIES PROVIDED UPON REQUEST OF MEMBERS**

CPRB CASE No. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
193-23 Edwards	12-6 Use of Force 16-01 (3.6) Conduct Unbecoming a Member	More time is needed to determine if SOs violated PBP Policy and Procedures.	TBD
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	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
083-23 Bridgett	16-1 (3.6) Conduct Unbecoming a Member 16-1 (3.7) Conduct Toward the Public	More time is needed to speak with W#1 and obtain CAD and Duty Activity Log.	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 Miranda 69-03.8.0 Body Worn Camera Recordings	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	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

	69-03 (8.1.2) Body Worn Camera		
CPRB CASE NO. INVESTIGATOR	ALLEGATION(S)	REASON FOR CONTINUED INVESTIGATION	POSSIBLE CLOSING DATE
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
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
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