

City Council of Pittsburgh

BRIEFING NOTES

Bill 2010-0107

Bill 2010-0108

Bill 2010-0109

Bill 2010-0234

Bill 2010-0235

Prepared by:

Elizabeth C. Pittinger

Executive Director

CITIZEN POLICE REVIEW BOARD

City of Pittsburgh

Delivered:

April 28, 2010

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Legislative Details

The Confidence in Law Enforcement Act of 2004

Re: 2010-0107 Police Recording Devices

Several years ago the CPRB recommended acquisition of cameras for patrol vehicles to former Chief McNeilly. The cost was prohibitive at the time. Bill 2010-0107 is consistent with the Board's previous recommendation.

Considerations (not in priority order):

1. To enhance credibility and accountability, control of the devices must be objective and not at the operator's discretion.
2. Digital documentation of an incident must be accessible to CPRB investigators; this may require a review of the retention schedule.
3. We understand from public discussion that the units equipped with cameras will include a remote microphone to capture audio occurring beyond camera range. We view this as both an officer safety tool and accountability tool.
4. Technology has delivered minute video equipment capable of remote transmission – have these units been considered to accompany the remote mic?

Re: 2010-0108 Police Accreditation

The CPRB supports the attainment of accreditation by the Pittsburgh Bureau of Police and acknowledges the affirmative progress being made toward that goal.

Bill 2010-0108 requires the creation of an Accreditation Task Force for the purpose of studying available accrediting options and analysis of costs associated therewith. It would be charged with meeting monthly and render its recommendations by 12/31/2010.

This task force would be comprised of:

1. Chief of Police
2. Director of Public Safety (or designee)
3. City Solicitor (or designee)
4. Director of Finance (or designee)
5. City Council Chair of the Committee on Public Safety Services
6. City Council Chair of the Committee on Human Resources

With all due respect, this is a duplication of work already accomplished by the CPRB. The creation of a "task force" for the described purposes through legislation subverts the CPRB's work and purpose.

Background:

- On July 30, 1996, Councilwoman Valerie McDonald introduced Bill 1996-0916 which amended Title One, Article III, Chapter 116.02 by adding the following to (I) Bureau Chiefs:
 "(d) The oversight of the Police Force accreditation process, the supervision of the accreditation manager and related staff or committee, and the assurance of attainment of police accreditation and continued reaccreditation."
- The measure was passed on October 8, 1996, signed by the Mayor on October 17, 1996 and effective October 23, 1996.
- The consent decree between the City of Pittsburgh and the Department of Justice was signed on or about April 17, 1997.
- The referendum that amended the Home Rule Charter and created the CPRB occurred on May 20, 1997.
- The consent decree provisions affecting police operations terminated September 13, 2003. The federal court relinquished jurisdiction.

- Community advocates were concerned that accountability measures implemented during the consent decree period would be diminished. An effort to “codify the consent decree” emerged among those sharing that concern. Tim Stevens, B-PEP, conferred with the CPRB about the efficacy of “codification of the consent decree’.
- Accordingly, Pittinger prepared the first of several analyses of the codification notion, concluding that the itemized elements of the consent decree were not appropriate for codification and such would result in legislative micromanagement of a very dynamic operation.
- In the course of researching the consent decree, existing police-related legislation, the substance of recent community activism and contemporary police practices, Pittinger suspected that accreditation would meet many of the intended accountability objectives sought by the interested parties.
- The provision at Title One, Article III, Chapter 116.02, (I) Bureau Chiefs presumably required the Chief of Police to oversee the accreditation process, but did not specify what accreditation was to be attained. That led to an analysis of the existing accreditation options:
 - CALEA: Commission on Accreditation of Law Enforcement Agencies
 - Established in 1979. Administered by a consortium comprised of the International Association of Chiefs of Police (IACP); National Organization of Black Law Enforcement Executives (NOBLE); National Sheriffs' Association (NSA); and the Police Executive Research Forum (PERF).
 - The fee is very expensive and recurs every three years. (A department of 199 would be approximately \$7650. That’s about \$38/officer, in our case, the fee could exceed \$30,000)
 - PLEAC: PA Law Enforcement Accreditation Commission
 - Introduced in July 2001.
 - Emerged after Gov. Ridge ordered an analysis of police practices across the Commonwealth following the death of Jonny Gammage.
 - Enrollment fee of \$100 was paid by the Bureau.

- There is evidence that the Bureau of Police initiated an effort to attain CALEA accreditation. However, that effort was abandoned.
- The Bureau also paid the enrollment fee to PLEAC, but the pursuit of accreditation was unavoidably sporadic and certification was not accomplished.
- Pittinger concluded that PLEAC would be an appropriate accreditation as it would:
 - meet the 1996 City Code requirement
 - exceed consent decree standards
 - fulfill the Gammage legacy so important to local advocates
 - impose values and normalize police practices.
 - PLEAC is also responsive to changes in PA law by legislative and judicial actions which would assure timely local compliance.
- Pittinger's recommendations were disseminated several times to the community, Council and the Bureau. The CPRB considered filing a mandamus action to force the Bureau to seek accreditation as required by the City Code.
- Ultimately, Chief Harper assigned Lt. Beidle and Officer Sesky to pursue the PLEAC accreditation process. As Council heard on April 8, 2010, these officers are not assigned solely to the PLEAC mission but their progress toward that goal is measurable and affirmative. The comprehensive nature of the process was adequately described at the post-agenda on 4/8/2010.
- Progress on PLEAC by the Bureau was appropriately interrupted by the LOD deaths in April 2009 and the diversion of G-20 activities through September 2009. Nonetheless, the Bureau is on course to host a preliminary review in early 2011.
- Professionalizing any service depends on defining a certain body of knowledge upon which all similarly situated practitioners rely, integrate with

their discretion to render independent decisions and conduct themselves in a standardized manner. There exist common values among professionals to which they hold themselves and their peers accountable. Accreditation helps normalize these aspects of law enforcement, and helps develop a compatible organizational structure.

Conclusion

Despite the long period of non-compliance to the City Code regarding police accreditation, it is underway in the most expeditious manner possible. Any interruption to the process now would be a disservice to the Bureau and the officers who have worked so diligently to attain PLEAC accreditation.

The CPRB has already conducted extensive analysis of the subject. Costs associated with operational adaptations should not be blamed on PLEAC compliance as they would be appropriately incurred through prudent, accountable, operational management anyway.

Re: 2010-0109: Applicable Incidents Requiring Paid Administrative Leave

Incidents involving Pittsburgh police officers resulting in critical injury or death to another person are managed by existing Pittsburgh police policy and procedures. While not at liberty to disclose details of the Bureau's policies, it is my opinion that the policy is well-composed and extensive in procedures related to managing such an incident.

The Bureau routinely reviews all reported use of force by officers. As required by the City Code, Title One Article VII, Chapter 160.01, the Bureau of Police instantaneously refers an incident involving serious injury or death caused by an officer discharging a firearm to outside law enforcement agencies.

Bill 2010-0109 proposes to require:

1. The Chief to refer to OMI any use of force by an officer when the subject use of force reported "reasonably" indicates a deviation from Bureau use of force policies.

a. comment:

- i. "reasonably indicates" = subjective to the eyes reading report.
The "reasonable" standard is not objective and interpretation will vary among civilians, police officers and police supervisors.
There is a recognized legal standard know as the "reasonable officer standard" which differs from "a reasonable person" standard.

ii. SOP since the consent decree.

2. The Chief to place the officer(s) involved in a questionable use of force on paid administrative leave.

a. comment

- i. "for a period to be determined by the Chief ": ambiguous –
"During the resulting OMI investigation.....for a period of time to be determined by the Chief of the Bureau."

1. Does this permit the Chief to impose a limit on the OMI investigation or could the leave be more/less than the duration of the OMI investigation?
2. Last line also opens interpretation: "...time necessary to conduct an objective investigation of the Applicable Incident."

Supervisors already have a duty to pursue and/or refer to OMI any suspicion of inappropriate or excessive use of force.

This may have a chilling effect on officers reporting uses of force or encourage creative reporting.

What is the accountability of performance under this proposal?

Who will know if the provision is being administered?

What public disclosure is expected?

OMI reports are not publicly disseminated.

What is the status of public disclosure from a personnel perspective?

Perhaps it would fulfill the sponsor's intent to codify the requirement that any officer involved in an incident involving a critical injury or death resulting from a police officer's use of force will be placed on administrative leave pending the outcome of an objective administrative investigation and if appropriate, criminal investigation.

(Define critical injury? Broken long bones, burns, a loss of sight, unconsciousness, severe loss of blood, amputation??)

In the event that an officer is charged with a felony or serious misdemeanor (a charge carrying a penalty of more than one year), the 2004 Confidence in Law Enforcement Act requires the municipality to suspend the law enforcement powers of the officer until those charges are resolved. If convicted, the person is ineligible to be employed as a police officer in the Commonwealth. (An arrest in another state that is equivalent to the aforementioned requires the same actions) (Copy of CILEA attached for your information.)

Re: 2010-0234 Annual Police Service Report

The release of the raw data described in the proposal will allow the interested public to analyze police activity for themselves.

The potential for data to be manipulated is ever-present, but that applies across the board. Disclosing the numbers with an accompanying narrative in the report allows the Bureau to build context, but can avoid suspicion of "spinning."

Some additional info for consideration:

- Number of applicants for most recent recruitment
- Statement of recruitment activity
- Aggregate scores on most recent written application exam, distinguished by race & gender and veteran credit added.
- Formation of applicants on eligibility list, distinguished by race & gender.

Re: 2010-0235 Requiring Compliance to City Code, directing CPRB to investigate critical incidents, directing Chief of Police to receive CPRB findings and recommendations.

Bill 2010-0235 proposes to supplement Title One, Article Seven, Chapter 160:

CHAPTER 160: INVESTIGATIONS OF POLICE CONDUCT

§ 160.01 Request to other law enforcement agency

§ 160.01 REQUEST TO OTHER LAW ENFORCEMENT AGENCY.

Immediately after a City police officer discharges a firearm causing bodily injury, serious bodily injury or the death of another person or persons, the Director of the Department of Public Safety shall immediately make a request to another law enforcement agency, such as the Allegheny County Police, or the Pennsylvania State Police, to supervise the investigation. The City shall thereafter exercise its investigatory and law enforcement powers as directed by the other law enforcement agency, unless the other agency either refuses the request or does not promptly, under the circumstances, give any response to the request.

(Ord. 31-1996, eff. 11-1-96)

The proposal would result in an accurate reflection of the City's requirements regarding investigations of police misconduct. Currently, Chapter 160 conveys the message that police misconduct is limited to police conduct that may seriously injure or kill someone and carry criminal culpability. The CPRB agrees that criminal conduct will generally be considered misconduct, but misconduct is not always unlawful conduct.

Bill 2010-0235 Proposal:

CHAPTER 160: INVESTIGATIONS OF POLICE CONDUCT

§ 160.02 Bureau of Police to comply with Citizens Police Review Board

- a) The administration of the City of Pittsburgh and all sworn members of the Pittsburgh Bureau of Police, will comply with the provisions of the Pittsburgh City Code, Title Six Conduct, Article VI Citizen Police Review Board, Chapter 661, Chapter 662.

- b) The Citizen Police Review Board shall conduct an investigation into any incident involving the use of force by a Pittsburgh police officer that results in death or serious injury to a person or persons and render findings and recommendations to the Chief of Police in an expedited manner.
 - i) The Chief of Police will not enter a final disposition on a personnel action arising from such incident until such time as the Citizen Police Review Board has submitted to the Chief of Police its Findings and Recommendations related to the subject incident.
- 160(a):
 - is a restatement of existing language.
 - Inclusion in Chapter 160 reinforces the purposes of Chapter 160, "Investigation of Police Misconduct"
- 160(b):
 - impacts the CPRB's discretion to select complaints that they believe appropriate for review.
 - it has been the Board's policy to review incidents involving police that result in serious injury or death.
 - The practical impact on the Board is negligible and assures such incidents will be reviewed. It will require a consideration of process and may require an amendment to the CPRB's Rules & Operating Procedures.
- 160(b)(i):
 - Requires the Chief of Police to receive the findings & recommendations of the CPRB investigation before disposing of a related personnel action.
 - Does not remove the Chief's discretion.
 - On its face, it does not infringe on any CBA rights.
 - The onus to comply with this provision falls on the CPRB to conduct a thorough, objective and prompt investigation.
 - The immediate cooperation of the Bureau and OMI in making necessary documents and materials available to the CPRB is

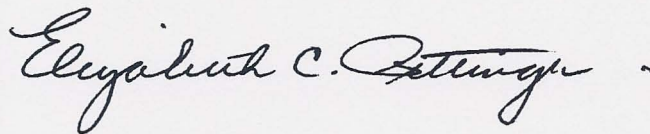
imperative. Otherwise the CPRB investigation would face obstruction and unable to complete the subject investigation in the time contemplated by this supplemental language.

This supplemental language adds consistency in performance and expectation under the City Code.

In discussion of Bill 2010-0109, the term "applicable incident" is offered. I suggested an alternative notion related to the subject of the Bill, "critical incident" with a suggestion that the term be defined. Here in Chapter 160 we have referenced a "serious incident". Police policies tend to reference and review "critical incidents".

I respectfully recommend that Council consider uniformity in the descriptive and synonymous terms used when describing an injury requiring review.

Respectfully submitted,

A handwritten signature in black ink, reading "Elizabeth C. Settember". The signature is written in a cursive style with a small flourish at the end.

4/27/2010

Attachment: CILEA

APPENDICES



City of Pittsburgh

510 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Legislation Details (With Text)

File #: 2010-0107 **Version:** 1

Type: Ordinance **Status:** Held in Standing Committee

File created: 2/2/2010 **In control:** Public Safety Services Committee

On agenda: **Final action:**

Title: Ordinance amending the City Code at Title Six: Conduct, Article VIII: Privacy Policy for Public Security Camera Systems, by adding Chapter 690: Police Recording Devices. (PUBLIC HEARING HELD)

Sponsors: Reverend Ricky V. Burgess

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/14/2010	1	Standing Committee	Held in Committee	Pass
3/10/2010	1	Standing Committee	Public Hearing Held	
2/11/2010	1	Public Safety Services Committee	Held for Post Agenda	Pass
2/11/2010	1	Public Safety Services Committee	Held for Public Hearing	Pass
2/2/2010	1	City Council	Read and referred	

Title

Ordinance amending the City Code at Title Six: Conduct, Article VIII: Privacy Policy for Public Security Camera Systems, by adding Chapter 690: Police Recording Devices.

Body

Whereas, this ordinance is part of the Jordan Miles Public Safety Reform Agenda.

Whereas, around the country over 50% of police departments have installed video equipment including dashboard cameras and audio microphones in patrol cars; and the recordings from that equipment have helped resolve millions of criminal cases, and;

Whereas, Police Car video equipment can facilitate the collection of evidence for criminal prosecution or complaint investigation and can be used by the Police as a training tool for officer safety and best practices, and;

Whereas, Police car video equipment provide a measure of accountability for the conduct of both police officers and the public, and;

Whereas, Police Car video equipment helps build community trust by providing "objective evidence" of police encounters with residents, thus both protecting citizens and shielding officers from false accusations.

The Council of the City of Pittsburgh hereby enacts as follows:

Chapter 652: Police Recording Devices

§ 651.01 Legislative Findings

(a) Whereas, around the country over 50% of police departments have installed video equipment including dashboard cameras and audio microphones in patrol cars; and the recordings from that equipment have helped resolve millions of criminal cases.

(b) Police Car video equipment can facilitate the collection of evidence for criminal prosecution or complaint investigation and can be used by the Police as a training tool for officer safety and best practices.

(c) Police car video equipment provide a measure of accountability for the conduct of both police officers and the public.

(d) Police Car video equipment helps build community trust by providing objective evidence of police encounters with residents, thus both protecting citizens and shielding officers from false accusations.

§ 651.02 Police Vehicles

(a) All vehicles newly put into service by or for the Pittsburgh Bureau of Police must be equipped with digital video and audio recording devices.

(b) Each year, at least 20% of all other vehicles in service by or for the Pittsburgh Bureau of Police must be equipped with digital video and audio recording devices.



Legislation Details (With Text)

File #: 2010-0108 **Version:** 1

Type: Resolution **Status:** Held in Standing Committee

File created: 2/2/2010 **In control:** Public Safety Services Committee

On agenda: **Final action:**

Title: Resolution authorizing and directing the Chief of the Bureau of Police to form an Accreditation Task Force to study the current available options and related costs for professional accreditation for the Pittsburgh Bureau of Police.

Sponsors: Reverend Ricky V. Burgess

Indexes:

Code sections:

Attachments: 2010-0108.doc

Date	Ver.	Action By	Action	Result
4/14/2010	1	Standing Committee	Held in Committee	Pass
3/10/2010	1	Standing Committee	Public Hearing Held	
2/11/2010	1	Public Safety Services Committee	Held for Public Hearing	Pass
2/11/2010	1	Public Safety Services Committee	Held for Post Agenda	Pass
2/2/2010	1	City Council	Read and referred	

Title

Resolution authorizing and directing the Chief of the Bureau of Police to form an Accreditation Task Force to study the current available options and related costs for professional accreditation for the Pittsburgh Bureau of Police.

Body

Whereas, this ordinance is part of the Jordan Miles Public Safety Reform Agenda.

Whereas, the voluntary application of professionally developed accreditation standards helps to assure best practices of police bureaus; and

Whereas, Section 116.02(d) of the City Code requires the Chief of Police to oversee the Bureau accreditation process, to supervise the accreditation manager and related staff or committee and to assure the attainment of police accreditation and reaccreditation.

Now therefore, be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Chief of the Bureau of Police is authorized and directed to create an Accreditation Task Force to study the current available options and costs associated with obtaining professional accreditation for the Pittsburgh Bureau of Police.

Section 2. The Accreditation Task Force shall consist of the Chief of Police, the Director of Public Safety or his designee, the City Solicitor or his designee, the Director of Finance or his designee, City Council member chairing the Committee on Public Safety Services, and the City Council member chairing the Committee on Human Resources.

Section 3. The Accreditation Task Force shall meet at least monthly and author a recommendation regarding a choice of professional accreditation and related costs needed to complete the process by December 31, 2010.



City of Pittsburgh

510 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Legislation Details (With Text)

File #: 2010-0109 **Version:** 1

Type: Ordinance **Status:** Held in Standing Committee

File created: 2/2/2010 **In control:** Public Safety Services Committee

On agenda: **Final action:**

Title: Ordinance amending the Pittsburgh City Code, Title I, Administrative, Article VII: Procedures, Chapter 160, Investigations of Police Conduct, by adding Section 160.02, Applicable Incidents Requiring Paid Administrative Leave. (PUBLIC HEARING HELD)

Sponsors: Reverend Ricky V. Burgess

Indexes:

Code sections:

Attachments: 2010-0109.doc

Date	Ver.	Action By	Action	Result
4/14/2010	1	Standing Committee	Held in Committee	Pass
3/10/2010	1	Standing Committee	Public Hearing Held	
2/11/2010	1	Public Safety Services Committee	Held for Public Hearing	Pass
2/11/2010	1	Public Safety Services Committee	Held for Post Agenda	Pass
2/2/2010	1	City Council	Passed Finally	Pass
2/2/2010	1	City Council	Read and referred	

Title

Ordinance amending the Pittsburgh City Code, Title I, Administrative, Article VII: Procedures, Chapter 160, Investigations of Police Conduct, by adding Section 160.02, Applicable Incidents Requiring Paid Administrative Leave.

Body

Whereas, this ordinance is part of the Jordan Miles Public Safety Reform Agenda.

Whereas, police officers often face contentious, dangerous, and sometimes life-threatening situations during performance of their duties; and

Whereas, such situations require police officers to make split second judgments regarding the use of force and how much is appropriate under the circumstances; and

Whereas, certain events merit examination of a police officer's judgment regarding the level of force used at the time of the contentious, dangerous, and/or life-threatening incident; and

Whereas, the City of Pittsburgh wants to ensure all of its citizens that in the event that use of force by a police officer is questioned by the Bureau, such officer will be put on paid administrative leave pending the outcome of a thorough investigation.

BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH HEREBY ENACTS AS FOLLOWS:

SECTION 1. The Pittsburgh City Code, Title I, Administrative, Article VII: Procedures, Chapter 160, Investigations of Police Conduct, is hereby amended by adding Section 160.02, Applicable Incidents Requiring Paid Administrative Leave.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows: Chapter 160: Investigations of Police Conduct

§ 160.02 Applicable Incidents Requiring Paid Administrative Leave

(a) For purposes of this Chapter,

“Applicable Incident” shall be defined as any incident involving the use of force by a Bureau police officer or officer(s) acting in an official law enforcement capacity.

“Bureau” shall be defined as Pittsburgh Bureau of Police.

(b) The Chief of the Bureau shall refer any Applicable Incident to the City's Office of Municipal Investigations (“OMI”) when the corresponding use of force report reasonably indicates a possible violation of a Bureau policy. During the resulting OMI investigation, the officer(s) involved in such Applicable Incident shall be placed on paid administrative leave for a period of time to be determined by the Chief of the Bureau. Such paid administrative leave, in and of itself, shall not be considered a suspension or disciplinary action taken against the officer, but rather shall be deemed an administrative course of action relieving the officer(s) from further performance of field duties while providing the Bureau with time necessary to conduct an objective investigation of the Applicable Incident.



City of Pittsburgh

510 City-County Building
414 Grant Street
Pittsburgh, PA 15219

Legislation Details (With Text)

File #: 2010-0234 **Version:** 2

Type: Ordinance **Status:** Held in Standing Committee

File created: 3/16/2010 **In control:** Public Safety Services Committee

On agenda: **Final action:**

Title: Ordinance supplementing the Pittsburgh Code of Ordinances, Title One, Administrative, Article Three, Organization, Chapter 116, Department of Public Safety, by adding language.

Sponsors: Reverend Ricky V. Burgess

Indexes: PGH. CODE ORDINANCES TITLE 1 - ADMINISTRATIVE

Code sections:

Attachments: 2010-0234.doc, 2010-0234 Version 2.doc

Date	Ver.	Action By	Action	Result
4/14/2010	2	Standing Committee	Held in Committee	Pass
4/14/2010	2	Standing Committee	AMENDED	Pass
3/24/2010	1	Standing Committee	Held for Post Agenda	Pass
3/16/2010	1	City Council	Read and referred	

Title

Ordinance supplementing the Pittsburgh Code of Ordinances, Title One, Administrative, Article Three, Organization, Chapter 116, Department of Public Safety, by adding language.

Body

Whereas, the residents of the City of Pittsburgh have right to hold the Pittsburgh Police Department Accountable; and

Whereas, the public has a right to an annual report summarizing overall Police Activities; and

Whereas, an annual report by the Chief of Police will increase public safety by ensuring citizen confidence.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code of Ordinances, Title One, Administrative, Article Three, Organization, Chapter 116, Department of Public Safety is hereby supplemented as follows:

§ 116.02 POWERS AND DUTIES OF BUREAU CHIEFS AND DIRECTOR OF PUBLIC SAFETY

(e) It shall be the duty of the Chief of Police to publish an annual report to the public that includes:

1. Number of sworn police personnel authorized
2. Number of officers on the force
3. Number of officers on active duty
4. Number of officers assigned to each duty and duty location
5. Number of officers on workers' compensation
6. Number of officers on disability leave
7. Number of officers on military or other specified leave
8. Number of officer retirements
9. Number of complaints against officers received, segregated by OMI and PBP receipt and disposition
10. Number of officers disciplined, distinguished by offense and level of discipline, including termination
11. Number of grievances and arbitrations taken from a disciplinary action and the results thereof.
12. Number of officers losing state certification and reason for revocation
13. Number of officers sued, the nature of those suits and outcomes
14. Number of officers arrested or criminally charged.
15. Race, gender and age profile of active duty officers
16. Number of calls for service answered by the police
17. Average response time to calls by police by Zone
18. Number of arrests by charge, race, and gender distinguished by Zone and specialized units
19. Number of convictions by charge, race, and gender distinguished by Zone and specialized units
20. Number of traffic stops by race and gender and gender distinguished by Zone and specialized units

21. Recruitment and retention plan



Legislation Details (With Text)

File #: 2010-0235 **Version:** 1

Type: Ordinance **Status:** Held in Standing Committee

File created: 3/16/2010 **In control:** Public Safety Services Committee

On agenda: **Final action:**

Title: Ordinance supplementing the Pittsburgh Code of Ordinances, Title One, Administrative, Article Seven, Organization, Chapter 160, Investigations of Police Conduct, by adding language.

Sponsors: Reverend Ricky V. Burgess

Indexes: PGH. CODE ORDINANCES TITLE 1 - ADMINISTRATIVE

Code sections:

Attachments: 2010-0235.doc

Date	Ver.	Action By	Action	Result
4/14/2010	1	Standing Committee	Held in Committee	Pass
3/24/2010	1	Standing Committee	Held for Post Agenda	Pass
3/16/2010	1	City Council	Read and referred	

Title

Ordinance supplementing the Pittsburgh Code of Ordinances, Title One, Administrative, Article Seven, Organization, Chapter 160, Investigations of Police Conduct, by adding language.

Body

Whereas, the residents of the City of Pittsburgh by referendum established the Citizens Police Civilian Review Board; and,

Whereas, the City of Pittsburgh through Ordinance established the Citizens Police Civilian Review Board, its rules and purpose; and,

Whereas, The Citizen Police Review Board (CPRB) is an independent agency set up to investigate citizen complaints about improper police conduct: and

Whereas, The Citizen Police Review Board Investigates and issues a report to the Pittsburgh Chief of Police concerning incidents of possible Police misconduct: and,

Whereas, The Citizen Police Review Board will provide the Chief of Police with an independent perspective of any investigated accusation of police misconduct.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code of Ordinances, Title One, Administrative, Article Seven, Organization, Chapter 160, Investigations of Police Conduct is hereby supplemented as follows:

CHAPTER 160: INVESTIGATIONS OF POLICE CONDUCT

§ 160.02 Bureau of Police to comply with Citizens Police Review Board

- a) The administration of the City of Pittsburgh and all sworn members of the Pittsburgh Bureau of Police, will comply with the provisions of the Pittsburgh City Code, Title Six Conduct, Article VI Citizen Police Review Board, Chapter 661, Chapter 662.
- b) The Citizen Police Review Board shall conduct an investigation into any incident involving the use of force by a Pittsburgh police officer that results in death or serious injury to a person or persons and render findings and recommendations to the Chief of Police in an expedited manner.
 - i) The Chief of Police will not enter a final disposition on a personnel action arising from such incident until such time as the Citizen Police Review Board has submitted to the Chief of Police its Findings and Recommendations related to the subject incident.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 877 Session of
2003

INTRODUCED BY THOMPSON, MADIGAN, TARTAGLIONE, PILEGGI, PUNT,
ERICKSON, M. WHITE, ORIE, MOWERY, EARLL, RAFFERTY AND
TOMLINSON, JULY 15, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 22, 2003

AN ACT

1 Prohibiting employment of certain individuals as law enforcement
2 officers; requiring suspension of law enforcement officers
3 charged with certain crimes; and establishing dismissal
4 procedures for law enforcement officers convicted of certain
5 crimes.

6 The General Assembly of the Commonwealth of Pennsylvania

7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Confidence in
10 Law Enforcement Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Commonwealth agency." An executive agency, an independent
16 agency, a State-affiliated entity or the General Assembly.

17 "Conviction." An adjudication of guilt including the

1 imposition of a sentence.

2 "Executive agency." The Governor and each department, board,
3 commission, authority and other officer and agency of the
4 Commonwealth. The term does not include a court or other officer
5 or agency of the unified judicial system, the General Assembly
6 and its officers and agencies or an independent agency or State-
7 affiliated entity.

8 "Independent agency." A board, commission or other agency or
9 officer of the Commonwealth which is not subject to the policy
10 supervision and control of the Governor. The term does not
11 include a State-affiliated entity, a court or other officer or
12 agency of the unified judicial system, the General Assembly and
13 its officers and agencies, a State-related institution,
14 political subdivision or a local, regional or metropolitan
15 transportation authority.

16 "Law enforcement officer." A member of the Pennsylvania
17 State Police Force or an individual employed in a position
18 requiring certification pursuant to 53 Pa.C.S. Ch. 21 (relating
19 to employees).

20 "Serious misdemeanor." A criminal offense for which more
21 than one year in prison can be imposed as a punishment.

22 "State-affiliated entity." A Commonwealth authority or a
23 Commonwealth entity. The term includes the Pennsylvania Turnpike
24 Commission, the Pennsylvania Housing Finance Agency, the
25 Pennsylvania Municipal Retirement System, the Pennsylvania
26 Infrastructure Investment Authority, the State Public School
27 Building Authority, the Pennsylvania Higher Educational
28 Facilities Authority and the State System of Higher Education.
29 The term does not include a court or other officer or agency of
30 the unified judicial system, the General Assembly and its

1 officers and agencies, a State-related institution, political
2 subdivision or a local, regional or metropolitan transportation
3 authority.

4 "State-related institution." The Pennsylvania State
5 University, the University of Pittsburgh, Lincoln University or
6 Temple University.

7 Section 3. Prohibition against employing certain persons.

8 A Commonwealth agency, State-related institution, political
9 subdivision, municipal authority, local, regional or
10 metropolitan transportation authority or any other person shall
11 not employ or continue to employ an individual as a law

12 enforcement officer when the individual has been CONVICTED OF <—
13 ANY OF THE FOLLOWING:

14 (1) ~~Convicted of an~~ AN offense graded a felony or a <—
15 serious misdemeanor.

16 (2) ~~Convicted of an~~ AN offense in another jurisdiction, <—
17 state, territory or country in accordance with the laws of
18 that jurisdiction, state, territory or country, and the
19 offense is equivalent to an offense specified in paragraph

20 (1) regardless of its grading in that jurisdiction, state,
21 territory or country.

22 Section 4. Suspension.

23 Except in the case of a member of the Pennsylvania State
24 Police, a law enforcement officer charged with an offense that
25 would prohibit employment under section 3 shall be immediately
26 suspended from employment ~~in law enforcement~~ AS A LAW <—

27 ENFORCEMENT OFFICER until final disposition of the charge or
28 upon acceptance into a program of Accelerated Rehabilitative

29 Disposition, whichever occurs first. In the case of a member of
30 the Pennsylvania State Police, a law enforcement officer CHARGED <—

1 WITH AN OFFENSE THAT WOULD PROHIBIT EMPLOYMENT AS SUCH UNDER
2 SECTION 3 shall immediately be suspended from employment until
3 final disposition of the charge or upon acceptance into a
4 program of Accelerated Rehabilitative Disposition, whichever
5 occurs first. If a judge terminates the PARTICIPATION OF A LAW <—
6 ENFORCEMENT OFFICER IN A program of Accelerated Rehabilitative
7 Disposition FOR AN OFFENSE THAT WOULD PROHIBIT EMPLOYMENT UNDER <—
8 SECTION 3 prior to completion in accordance with Pa.R.Crim.P.
9 No.318 (relating to procedure on charge of violation of
10 conditions), the suspension PREVIOUSLY IMPOSED shall be <—
11 reinstated until final disposition of the charge.

12 Section 5. Termination of employment.

13 (a) General rule.--An employer of an individual who is a law
14 enforcement officer and who is or becomes ineligible for
15 employment as a law enforcement officer pursuant to section 3
16 shall immediately terminate the employment of the individual as
17 a law enforcement officer.

18 (b) ~~Termination proceeding~~ CERTIFIED COPY OF CONVICTION.-- <—
19 ~~The~~ AT ANY TERMINATION PROCEEDING, THE introduction of a <—
20 certified copy of a conviction ~~for~~ INDICATING THAT A LAW <—
21 ENFORCEMENT OFFICER HAS BEEN CONVICTED OF an offense that would
22 prohibit employment under section 3 shall IN AND OF ITSELF be <—
23 sufficient evidence to ~~terminate a~~ SUPPORT JUSTIFY THE <—
24 TERMINATION OF THE law enforcement officer.

25 Section 6. Repeal.

26 All acts and parts of acts are repealed insofar as they are
27 inconsistent with this act.

28 Section 7. Construction.

29 This act may not be modified or supplemented unless by order
30 of a court or an act of the General Assembly.

1 Section 8. Applicability.

2 ~~Section 5 is applicable to law enforcement officers who are~~ <—
3 ~~convicted on or after July 1, 2004. Section 5 does not apply to~~
4 ~~convictions occurring before July 1, 2004.~~

5 THIS ACT DOES NOT APPLY TO CONVICTIONS OCCURRING BEFORE THE <—
6 EFFECTIVE DATE OF THIS ACT.

7 Section 9. Effective date.

8 This act shall take effect ~~in 60 days~~ JULY 1, 2004, OR <—
9 IMMEDIATELY, WHICHEVER IS LATER.