

Restrictions on public access to certain CPRB documents and information are imposed by the following sections of the Pittsburgh City Code. Accordingly, the affected documents and information are not considered public documents by the Citizen Police Review Board:

§ 662.05 Powers, Duties And Limitations of Board

*(b) The Board shall receive all complaints alleging police misconduct and shall have full discretion to select appropriate individual incidents to investigate and broader issues to study regarding community and police relations. Non-uniformed OMI personnel, who are not police officers, may observe and participate during the initial filing of a citizen complaint with the Board. However, OMI's role during the complaint intake by the Board shall be secondary to that of the Board. Subject to applicable law, OMI shall allow the Board access to all evidence obtained during the course of its investigations of incident(s) which are the subject of citizen complaint(s) filed with the Board. **The Board and its staff shall keep all such evidence confidential.** Subject to applicable law, the Board will allow OMI access to all evidence obtained during the course of its preliminary inquiries, investigations and hearings, subject to an agreement that such evidence will be kept confidential. The Board shall, to the extent possible, minimize any duplication of effort between the Board and any other existing agencies, City offices or City departments which have jurisdiction over the same matter. However, the Board may carry on investigatory and other proceedings on a matter being examined at the same time by OMI.*

*(h) (1) Upon the filing of a complaint, signed under penalty of perjury, by any individual, the Board may choose to conduct a preliminary inquiry into the allegations contained in the complaint. **During the preliminary inquiry, the Board shall keep all information, records and proceedings confidential. No statements or records disclosed during the preliminary inquiry may be disclosed or introduced into evidence during any judicial proceeding.** The complaints selected for preliminary inquiry shall only be those where the Board reasonably believes the ultimate result will improve the relationship between the police department and the community.*

(h) (4) If the Board determines that the preliminary inquiry has established evidence of misconduct, it shall attempt to resolve the complaint through mediation, if the complainant and officer(s) voluntarily choose(s) said resolution.

*(iii) Mediation sessions shall be closed to the public. **Matters discussed shall be confidential unless both parties agree otherwise as part of a written mediation settlement;***

*(i) (1) If the Board determines that the preliminary inquiry has established evidence of misconduct and either the complainant or the officer is not agreeable to participating in mediation or if no resolution can be reached through reasonable mediation efforts, it shall conduct an investigation into the complaint in preparation for a public hearing. **The Board shall keep all information, records and proceedings relating to the investigation confidential.***

*(m) In order to accomplish its goals as set forth above, and consistent with the limitations of § 661.03 above, the Board shall have full power to request the Police Bureau to produce appropriate personnel or subpoena such personnel for interviews, which the Police Bureau shall cooperate with and make a good faith effort to accommodate, and to request or subpoena relevant documents which it **agrees to keep confidential,** including, but not limited to the following, for review:*

- (1) OMI files, department management files, ethics and accountability files, and the files of any other internal investigative agency charged with investigating police misconduct incidents;
- (2) Police paperwork produced by the Police Bureau for the purpose of investigating suspects or to aid in their prosecution;
- (3) Personnel files of officers including annual performance evaluations, records documenting training or records documenting mandatory counseling;
- (4) Police Directives;
- (5) All general summaries, statistical compilations and other internal reports on shootings, injuries, complaints of abuse, training and any other issues related to the work of the Board;
- (6) Relevant information and data contained in the automated early warning system specified in the Consent Decree between the City and the U.S. Department of Justice;
- (7) Written reports required to be filed by police officers pursuant to the Consent Decree between the City and the U.S. Department of Justice concerning use of force, warrantless searches, body cavity searches or strip searches and warrantless seizures of property (excluding towing of vehicles) and traffic stops;
- (8) Written reports, records and data maintained by the independent auditor appointed pursuant to the Consent Decree between the City and the U.S. Department of Justice;
- (9) Status reports filed by the City with the independent auditor and the U.S. District Court for the Western District of Pennsylvania pursuant to the Consent Decree between the City and the U.S. Department of Justice;

§ 662.07 Finding of Necessity.

*Subject to applicable law, it shall be the duty of the Police Bureau to provide such assistance as the Board may reasonably request, to cooperate fully with investigations by the Board, and to provide to the Board upon request records, personnel and other materials which are necessary for the investigation of complaints submitted pursuant to this Chapter. Upon finding by the Board that documents or personnel requested have not been forthcoming or that necessity requires the production of witnesses and/or documents, the Board may issue subpoenas for such witnesses or documents as it may deem appropriate. **However, no document or information obtained through formal or informal process or any member of its staff shall be released to the public unless such document is deemed by the Board to be a public record under the Pennsylvania Right to Know Act, 65 P.S. 66.1, et seq.***

(Ord. 29-1997, eff. 8-15-97)

STATEMENT OF POLICY

The Citizen Police Review Board recognizes the importance the public's right to be informed and government's inherent duty to be accountable to the public. Official records contain the substance through which government is accountable to the public and which demonstrate the use of common assets and resources acquired with taxes levied and utilized for the common good. The Board also acknowledges the delicate balance between individual and public rights, the very essence of the Board's mission.

It is the intent of the Citizen Police Review Board to pursue with vigor its mission and to inform the public to the maximum extent possible within the context established by the Commonwealth of Pennsylvania and the City of Pittsburgh Code, as noted.

The records of the Citizen Police Review Board are the property of, and under the sole control of, the Citizen Police Review Board. These records, except as noted, are not accessible through or under the control of the Executive or Legislative Branches of the City of Pittsburgh.

Public Records

The Citizen Police Review Board has determined that the following standards of access and restrictions apply to requests made to the CPRB for information and documents.

- I. Documents considered by the Citizen Police Review Board as public documents and available for public viewing or duplication in accordance with the following CPRB Policy are limited to:
 - a. Public Hearing records, *except* those documents received and viewed by the Board as evidence and sealed by the Board in the course of a public hearing. Such documents may include those obtained from other sources, which are otherwise protected by law or subject to restriction by lawful City policy from public disclosure or dissemination. For example, police disciplinary records, police investigative reports, or privileged communications may be viewed and considered by the Board as evidence in a public hearing but will be sealed and not available for public inspection.
 - b. Findings and Recommendations issued to the Chief of Police and/or Mayor of the City of Pittsburgh regarding individual complaints of police misconduct, policies or procedures.
 - c. Response to Findings and Recommendations from the Chief of Police and/or Mayor of the City of Pittsburgh.
 - d. Public Hearing Orders, Notices of Charges, Notices to Appear at Pre-hearing Conference and Public Hearing
 - e. Information from the Intake Log except the names and any other

information that would expose the identity of the Complainant, the Subject Officer, or any other citizen or officer.

- f. Published annual reports (§662.110).
- g. Published research reports on policy or specific subjects of inquiry.
- h. Meeting Minutes and Case Agenda of the regularly scheduled meetings of the Citizen Police Review Board.

II. Documents not considered by the Citizen Police Review Board as public documents and which are not available for public inspection, disclosure or duplication:

a. **Investigative files (non-public in their entirety) including, but not limited to:**

- (1) Citizen Complaints, until such time as a complaint is the subject of a public hearing.
- (2) Information compiled in the course of a Preliminary Inquiry or Full Investigation in preparation for a public hearing.
- (3) Correspondence related to a complaint.
- (4) Documents obtained from any source
- (5) Progress, contact, field notes or any other investigative document.
- (6) Photographic or any other visual, auditory or physical evidence obtained in the course of an investigation.

II. Intake log information that identifies a complainant, subject officer, other officer or citizen.

III. Mediation records: as described above (City Code §662.05(h)(4)(iii)).

IV. Identity of informants and any information provided by the Tipline.

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