



Performance Audit

## **OFFICE OF MUNICIPAL INVESTIGATIONS**

Report by the  
Office of City Controller

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April 2018

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## AUDITEE RESPONSE



MICHAEL E. LAMB

CITY CONTROLLER

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April 16, 2018

To the Honorables: Mayor William Peduto and  
Members of Pittsburgh City Council:

The Office of the City Controller is pleased to present this performance audit of the **Office of Municipal Investigations** conducted pursuant to the Controller's powers under Section 404(b) of the Pittsburgh Home Rule Charter.

### EXECUTIVE SUMMARY

The Office of Municipal Investigations (OMI) is responsible primarily for investigating complaints against City of Pittsburgh employees; and in this role, OMI acts solely as a fact finder and does not issue disciplinary recommendations.

This performance audit assesses OMI during the years of 2013 to 2016; specifically investigating complaints against City of Pittsburgh employees, the recordkeeping practices of these reports, methods of background checks for new hires and storage needs for the paper documents.

Overall the number of complaints investigated against city employees have decreased from a high of 337 in 2013 to 197 in 2016. Police officers have the most complaints against them, but the number of complaints against non-police employees has steadily increased from seven in 2013 to 53 in 2016. In 2016, investigations against employees of authorities represented 26% of the total non-police investigations. There is no written agreement between the city and any of the authorities for investigative work performed by OMI on complaints or background checks, and OMI receives no compensation for investigative time.

A 2008 Controller's Office performance audit of OMI found 73.5% of cases from April 2005 to January 2008 were adjudicated in the target time of 120 days or less. Auditors attempted to examine the length of investigations in 2016, but were unable to accurately measure this due to a poor database design which allowed cases to be inaccurately recorded as completed if new material had to be added after the investigation itself was over. OMI has worked with I&P to develop a new database and this problem has been corrected.

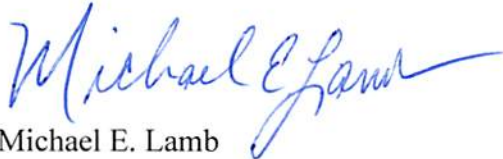
The development of an early warning system for problem officers was one of the central stipulations in the City's consent decree with the Justice Department. OMI's case information is logged into the police database and details are viewable by supervisory personnel.

OMI also completes detailed background checks of candidates for public safety jobs and abbreviated background checks on other city employment. Traditional employment criteria for city employees include stable employment history, personal references, and credit reports. Public safety candidates are subject to social media accounts reviews, civil and criminal history checks, along with neighbor interviews and these findings are given to a polygrapher to conduct the polygraph. Record retention guidelines were examined and OMI was found to be in compliance.

Auditors found that more storage space is needed by OMI for their substantial collection of paper files. Electronic scanning of these files might be beneficial and then storing them in a city-owned facility instead of paying for storage would save the city money.

Our findings and recommendations are discussed in detail beginning on page five. We believe our recommendations will provide more efficient operations. We would like to thank the OMI staff for their cooperation and assistance during our audit.

Sincerely,



Michael E. Lamb  
City Controller

## INTRODUCTION

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This performance audit of the City of Pittsburgh's Office of Municipal Investigations (OMI) was conducted pursuant to section 404(c) of the Pittsburgh Home Rule Charter. This audit assesses OMI's process of investigating complaints against City of Pittsburgh employees, the record keeping practices of these reports and methods of background checks for new hires.

The Controller's Office has conducted two prior performance audits. A 2008 audit of OMI addressed the 120 day case completion target for investigations; database and record retention concerns; reviewed the new case management system, and analyzed the allegation of misconduct data and the number of allegations per officer. A 1996 audit of the Department of Public Safety's Office of Professional Standards (the predecessor of today's OMI) focused on the number of disciplinary actions, types of discipline and any patterns of disciplinary actions administered to police officers.

## OVERVIEW

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The Office of Municipal Investigations is responsible primarily for investigating complaints against City of Pittsburgh employees. Work rules, union contracts, civil service regulations, city code, and state laws are referenced by OMI to define illegal and inappropriate conduct accordingly. In this function, OMI acts solely as a fact finder and does not issue disciplinary recommendations. OMI also completes detailed background checks of candidates for public safety jobs, abbreviated background checks on other city employment candidates and maintains residency verifications of active and prospective employees.

OMI's offices are located on the 9<sup>th</sup> floor of the City-County Building in downtown Pittsburgh. Previously, OMI's offices were located in the Strip District, and were moved to the City-County Building in 2015.

### **History and Federal Consent Decree**

In 1994, Congress gave the United States Department of Justice the power to sue over a "pattern or practice" of policing that violates federal law. In 1996, the American Civil Liberties Union initially filed a lawsuit on behalf of various organizations and individuals alleging police civil rights violations occurring in Pittsburgh. However, the suit was dropped in 1997 when the Justice Department launched its own investigation and was prepared to file its first police civil rights violations case against the City of Pittsburgh. The city solicitor at the time recommended that Pittsburgh seek a settlement with the federal government principally because police recordkeeping was so inadequate it would be difficult to mount a defense. As a result, the City agreed to enter into a settlement, or a consent decree, with the federal government before the lawsuit was filed. A key component of this consent decree was the directive to make complaints easier to file and have them more thoroughly investigated by fully trained staff resulting in the establishment initially known as the Office of Professional Standards (OPS) then changing to the OMI.



The City was also directed to develop a computerized early warning system to track individual officers on several different metrics to identify and correct potential patterns of behavior that could lead to more serious issues. Shortly before the consent decree was signed in 1997, OPS was moved outside of the purview of the Department of Public Safety and under supervision of the City's Law Department, where it became known as OMI.

Due in part to the substantial media coverage of the consent decree and the easier complaint process, OMI found themselves with a substantial backlog. In 2002 a stipulated order was issued to clear the backlog of complaints and closely monitor the complaint process and case backlog. OMI was transferred to the supervision of a Police commander and sixteen investigators were to be kept on staff until the backlog was alleviated. The Police Bureau was released from the consent decree in 2002, while OMI continued to be monitored until 2005. After its release, OMI was placed under the command of a civilian manager who reported to the public safety director.

In 2014, the incoming mayor moved OMI back out of the Public Safety Department and back into the Law Department. In 2016, the department started to migrate to become an additional division of the Personnel and Civil Service Department. A new manager was appointed and currently reports directly to the Director of Personnel & Civil Service.

It should be noted that the Citizen's Police Review Board (CPRB) also accepts and investigates complaints against police officers. The CPRB was created in 1997 via public referendum, and is an independent entity that has powers of subpoena, but unlike OMI, cannot compel a police officer to testify.

## **Organizational Structure**

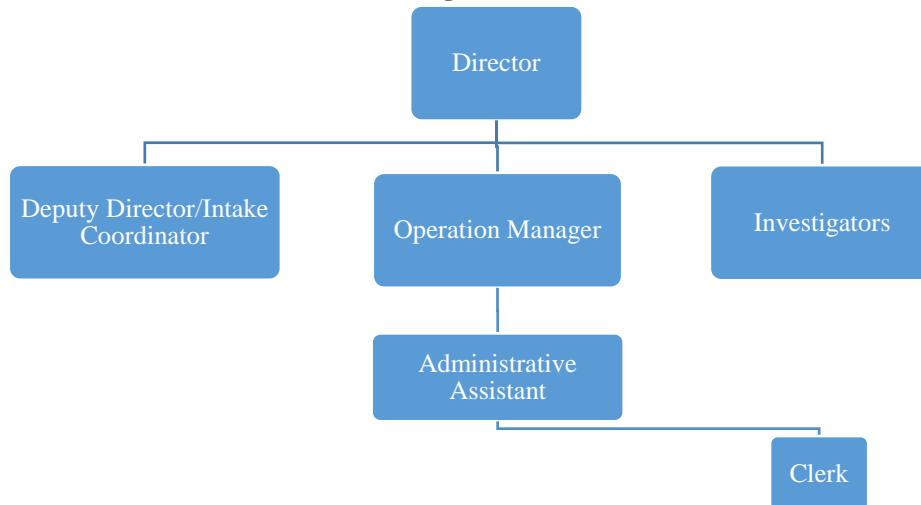
The structure and procedures of today's OMI are in large measure a product of the changes brought on by the consent decree. OMI is a unique combination of a civilian review board and a typical internal affairs section of a police department, as it is staffed with five civilian and five police investigators.

In 2016, OMI was staffed by a director, a deputy director/intake coordinator, an operations manager, the investigators, an administrative assistant, a clerk with an operating budget of \$529,381. In 2017, the office was restructured and positions retitled to include an OMI manager, OMI administrator, investigators, and two administrative positions. The operations manager position was eliminated. The 2017 operating budget was \$477,946, which represents a cost savings of \$51,435, a decrease of 9.7%. Even though the five police investigators report to OMI, they remain police officers and their salaries are paid out of the police budget.

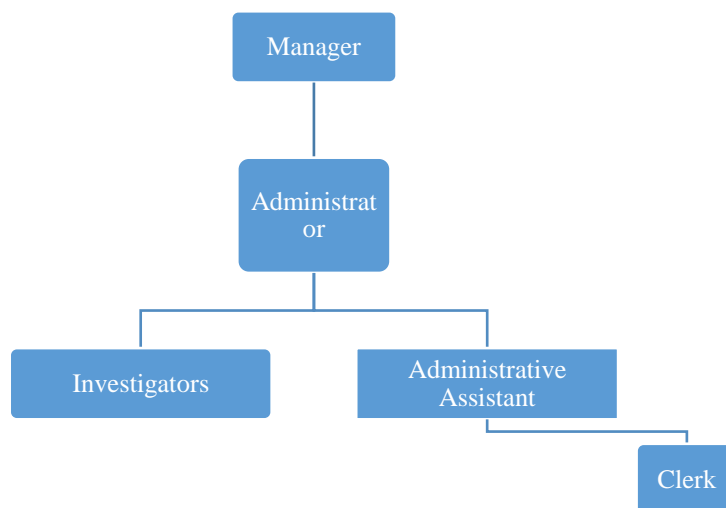
OMI currently operates as its own department, but reports to the Deputy Chief of the Personnel and Civil Service Department. OMI acts as the fact finder for background checks and employee investigations where Personnel, along with the specific city department, would enforce the necessary disciplinary actions.

Figure 1 shows OMI's organizational structure in 2016. Figure 2 shows OMI's current configuration, reflecting a reorganization which took place in 2017.

**FIGURE 1**  
**2016 Organizational Chart\***



**FIGURE 2**  
**2017 Organizational Chart\***



\*Based on information provided by OMI

## **SCOPE**

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The scope of this performance audit includes complaints and investigations reported in the year 2016 as well as total numbers of investigations of complaints for the years 2013 to 2016. Background investigations were examined for the years 2016. Current electronic and physical record storage needs were assessed.

## **OBJECTIVES**

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1. To examine the structure and history of OMI
2. To assess the investigative process of complaints
3. To examine the background check process for prospective employees
4. To assess recordkeeping methods and storage needs
5. To make recommendations for improvement

## **METHODOLOGY**

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The 2008 performance audit was reviewed along with the 1996 performance audit of the Office of Professional Standards (precursor to today's OMI).

The auditors met with OMI's Manager, Deputy Manager & Operations Manager to discuss operations, procedures and overview of the database management system.

A tour of OMI's office space located on the 9<sup>th</sup> floor of the City-County Building was conducted. A demonstration of the Office Management System used to document complaints was observed.

In order to understand the processes of OMI, the auditors attended a class entitled, 'Investigative Statement Analysis' along with some newly-hired OMI staff as well as officers from other municipalities.

Information collected from the 2016 database included incident date, complaint date, disposition and disposition date, department and case number; all complaints from 2016 database were analyzed.

The city's operating budget for OMI was reviewed for the years 2016 and 2017, along with OMI's website.



## **FINDINGS & RECOMMENDATIONS**

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### **OMI Complaint Process**

OMI is responsible for directing the receipt, analysis and investigation of citizen complaints of civil or criminal misconduct alleged against any non-elected City of Pittsburgh employee. Elected officials are held accountable through a myriad of other processes. These complaints may be filed in person, by mail, fax or telephone directly to the OMI office. The complainant may be the victim or any other third party. A complainant may wish to remain anonymous; if so, the complaint is still investigated but the investigation is hampered by not having access to the complainant if more information is needed.

**Finding:** The OMI webpage entitled 'Filing a Complaint,' notes that complaints can be filed by any one "who questions the appropriateness of a *Public Safety* employee's conduct." OMI receives and investigates complaints against all city employees.

### **RECOMMENDATION #1:**

OMI administrators should direct the city's Innovation & Performance (I&P) to update their webpages to accurately reflect OMI's mission of investigating complaints for all city employees, not just public safety.

### **RECOMMENDATION #2:**

OMI's administrative staff should direct the city's website staff to create a form that would allow citizens to be able to submit complaints online to OMI.

### **Interviews**

If the complaint is made in person, the complainant will be asked if the interview can be recorded and then interviewed by investigative staff. If the complainant refuses being recorded, a written statement is requested. If the complaint is received by mail, fax or phone, OMI attempts to contact the complainant within three to five days to request an interview, either in the OMI office or at an offsite location. If the complainant refuses to meet in person, a telephone interview is conducted. If the complainant wishes to remain anonymous, at minimum a detailed description of the accused employee and details of the incident must be obtained. If the complaint contains any elements of racial bias, a description of the incident goes to the city's Human Relations Commission.

Sometimes the complainant contacts the employee's department to report an incident. For example, if someone is unhappy with the behavior of a refuse employee, they will call the refuse division to report the problem. All departments are instructed to forward as much information as possible regarding the incident to OMI. It is noted in the database the origin of these complaints OMI then reaches out to the complainant directly.

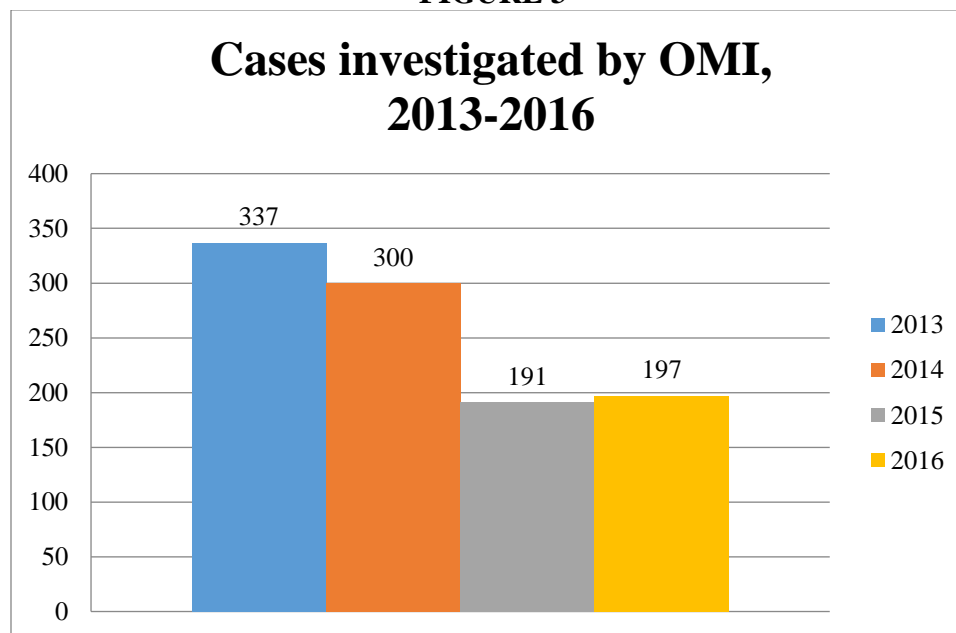
Collections of preliminary evidence begin at the initial contact. The intake form is completed by the OMI investigator, who also takes statements from witnesses who may be present during this initial meeting. If physical or psychological harm is alleged, a release of information is requested. If the complainant does not wish to sign a release, they may secure their medical records on their own. Photographs are taken of any complainant's injuries.

Review of the case is performed by the OMI administrator for every complaint received by OMI. At this time, the administrator makes a determination if the complainant has made a *prima facie* allegation of misconduct. A *prima facie* allegation means the allegation has enough evidence to suggest the allegation be true, before investigating further. If the complaint meets this standard, the complaint is assigned to an investigator. If the complaint does not meet this standard, a memo to file outlining the allegation is written and the complainant is contacted via letter with this finding.

### Case Volume

The auditors received the total number of cases investigated from OMI for the years 2013-2016. OMI investigated 337 cases in 2013, 300 in 2014, 191 in 2015 and 197 in 2016, as shown in Figure 3. The number of cases investigated by OMI is generally declining from 2013 to 2016.

**FIGURE 3**

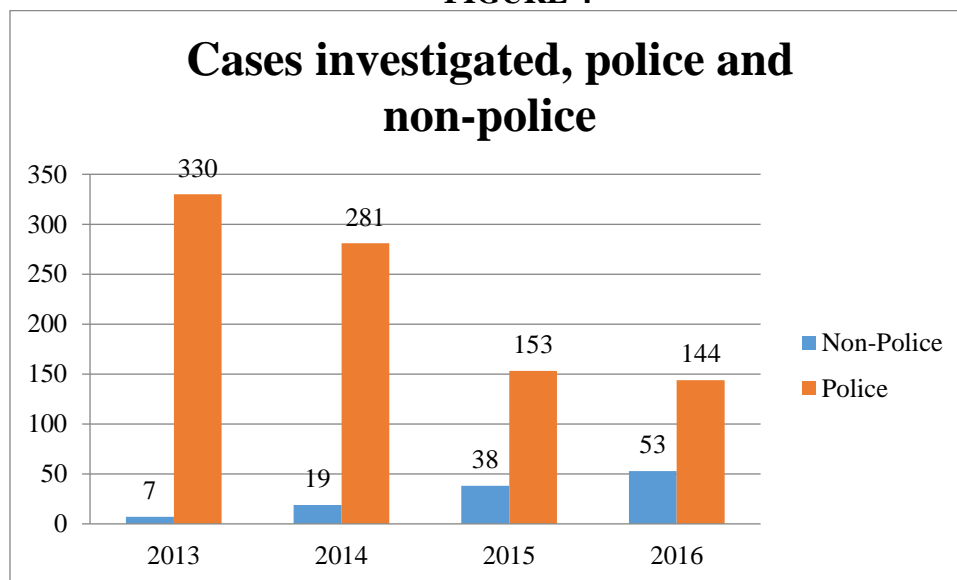


Source: OMI's database

Police continue to have more complaints against them than any other department. This gap is narrowing, however, with non-police complaints being 2% of the total complaints in 2013, growing to nearly 27% in 2016. Figure 4 shows the increase of non-police related cases which has occurred from 2013 to 2016. This could be partially attributable to a more public presence

OMI has adopted since 2014, attending block watches, public safety meetings, etc., and educating the public on their role as an investigative body for all city employees.

**FIGURE 4**



Source: OMI's database

**Finding:** OMI has increased visibility in the community since 2014.

**RECOMMENDATION #3:**

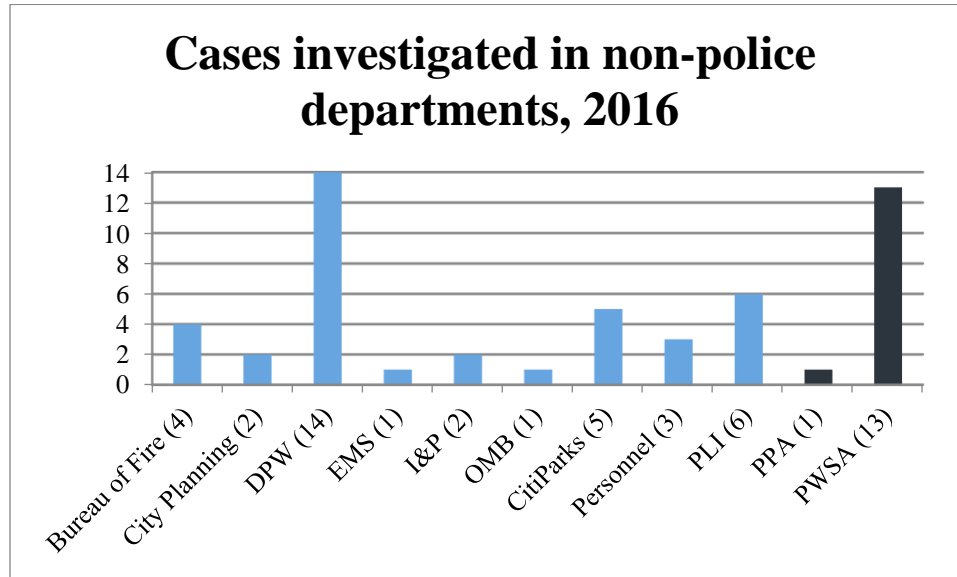
OMI administration should continue to educate the public as to what kind of complaint OMI can investigate and that *all* city employees are answerable to a code of conduct. OMI should continue to work with neighborhood and community groups by informing them of their mission and processes.

**OMI Expanded Duties**

OMI exists partly to investigate complaints against any city employee. In so doing, much of the work is now conducted with full cooperation of the Personnel and Civil Service Commission. However, OMI is sometimes asked to investigate employees of the Pittsburgh Water and Sewer Authority and the Pittsburgh Parking Authority. These authorities have their own human resources department and are employees of the authority, not the City.

Figure 5 shows the 53 cases investigated by OMI in 2016 for all departments and authorities other than police officers. The Department of Public Works (DPW) had the most complaints filed against them in 2016 with 14. Thirteen complaints were investigated for the Pittsburgh Water and Sewer Authority (PWSA).

**FIGURE 5**



Source: OMI's database

Figure 5 shows Pittsburgh Parking Authority and Pittsburgh Water and Sewer Authority employees received a total of 14 complaints representing 26% of non-police complaint investigations performed by OMI in 2016.

**Finding:** There is no written agreement between the city and any of the authorities for investigative work performed by OMI on complaints or background checks, and they receive no compensation for investigative time.

**RECOMMENDATION #4:**

OMI administration and the city law department need to formalize an agreement with the authorities to investigate complaints. Part of this agreement should include reimbursement to OMI for investigative services rendered.

**RECOMMENDATION #5:**

OMI administration should develop a tool to keep track of the time spent on non-city complaints so the authorities could be billed accordingly.

**OMI Investigative Process**

A critical step in the investigative process is the collecting of information from the complainant and designating which policies or procedures the employee has violated. This could be as simple as a caller indicating knowledge that a city employee lives outside of the city, or it could involve a more complex scenario such as use of force, conduct unbecoming an officer/city employee, etc. These policy violations are called allegations. A single case can have one or more allegations, against one or more employees.

OMI endeavors to clear all cases in 120 days. Two dates are recorded to indicate when investigations are completed: a completed date and a disposition date. Case completed dates are used to indicate all interviews have been completed and all documentation has been collected. Disposition dates are dates when each allegation has been adjudicated and a letter with the results of the investigation has been sent to the complainant and the employee's director.

To examine the length of time to dispose a case, the auditors calculated an average disposition date for those cases which had many allegations and/or employees involved. Obviously some cases are more complex, as they can involve numerous employees, or numerous allegations. For example, cases of residency outside of the City of Pittsburgh are dependent on an investigator being able to witness the employee at their stated or suspected home address. An allegation of force requires the investigator to track down witnesses, request and receive medical reports and follow the case as it progresses through criminal or civil courts.

**Finding:** In 2016, OMI investigated 197 cases and were able to issue disposition letters for 187 of them.

A 2008 Controller's Office performance audit found 73.5% of cases from April 2005 to January 2008 were adjudicated in 120 days or less. The case completed date was used in 2008 instead of the disposition date used in 2016, as disposition dates were not recorded for each allegation. A date of disposition for each allegation is a more accurate way of measuring the length of time a charge has been investigated. The date of disposition represents the date an allegation was adjudicated and not all allegations are decided on at the same time in a single case. OMI records a disposition date for each allegation.

**Finding:** It is difficult to determine exact length of time an investigation took in 2016 owing to a number of factors. Staff turnover, leadership changes and physical office moves all took place during the audit time frame as well as a poor database design which allowed cases to be closed and then reopened to add more information into the case file.

A new case management database has been implemented and it is hoped that an accurate reflection of case investigation length can be gathered in the future.

**Finding:** OMI actively tracks the length of time cases are open and are able to view and print these results at any time.

In the stipulated order of the consent decree delivered in 2002, OMI was instructed not to have a significant backlog of police complaint cases and the total backlog of cases open more than 120 days could not exceed 5%. This 5% of cases was not to include cases earmarked as 'pending.' Cases were to be classified as pending when they are no more than 180 days old, and a non-police witness whose testimony is necessary is still being sought. Although Pittsburgh is no longer under the consent decree, this classification could simplify data reporting and analysis.

**Finding:** OMI no longer uses a classification of "pending" within their database.

## **RECOMMENDATION #6:**

OMI administration should reinstitute the classification of “pending” within its database recordings. This would give a clearer picture of the progress of investigations for each complaint.

Adding a variable such as 'pending: criminal court ruling', 'pending: medical records retrieval', or 'pending: witness statement collection' would allow OMI management to be able to create reports and more closely monitor the process of each investigation. Adding a variable such as pending would be more efficient to query the database, rather than relying on investigator memory and the narrative maintained within each complaint.

## **Summary of Allegations**

Allegations in the database are specific to each department, creating a wide variety of types. The auditors reviewed the allegations in all cases investigated in 2016 and categorized them under eight broader heading types: Conduct, Discrimination/Harassment, Domestic Violence, Employment, Residency, Police Policy, Use of Force and Unknown. If a case involved multiple employees and multiple allegations, each allegation was characterized for each employee. For example, if two DPW employees were accused of neglect of duty and sleeping on the job it was counted as four allegations. Allegations were categorized into the following areas:

All employees:

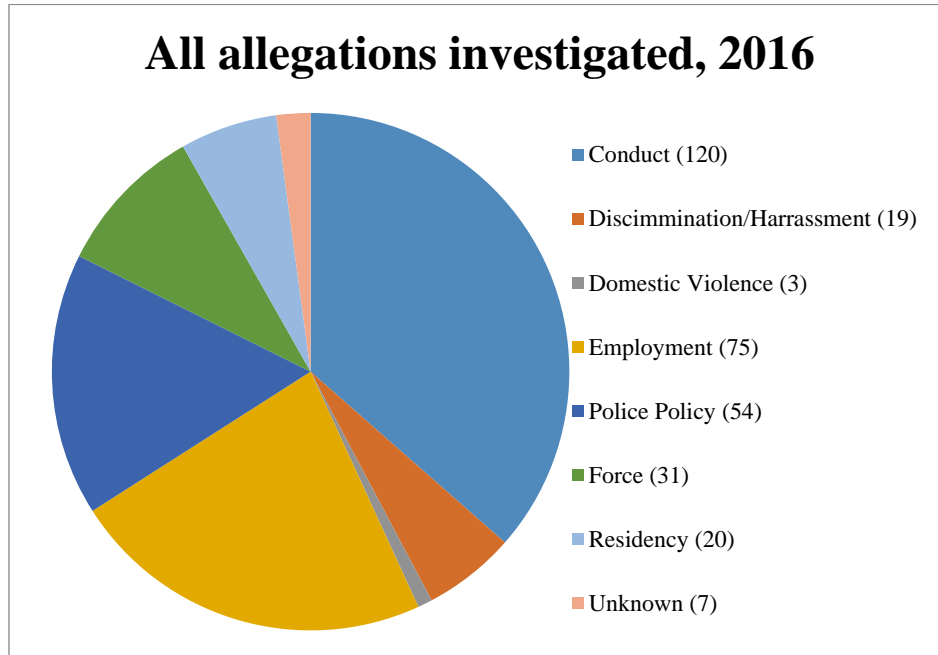
- **Conduct** (Conduct Unbecoming or Conduct Towards a Member of the Public):  
Allegations of rudeness or behavior not in keeping with a public employee
- **Discrimination /Harassment** (Racial, ethnic, age discrimination and harassment on the basis of)
- **Domestic Violence**
- **Employment** (Cooperation, dereliction of duty, disruptive behavior, acceptance of gratuities)
- **Residency**
- **Unknown** (OMI has yet to determine what if any policies have been violated)

Specific to police officers, some allegations were categorized into:

- **Police Policy** (Towing, Searches, Patrols, Investigative procedures)
- **Force** (Use of force during an arrest, Taser discharge, shoving, pushing)

Figure 6 shows a summary of the types of allegations investigated in 2016. There were a total of 329 total allegations investigated in which 120 allegations were related to conduct, 19 to discrimination or harassment, 3 involving domestic violence, 75 employment violations, 54 of police policy violations, 31 involving use of force, 20 of residency offences and 7 had not yet been categorized.

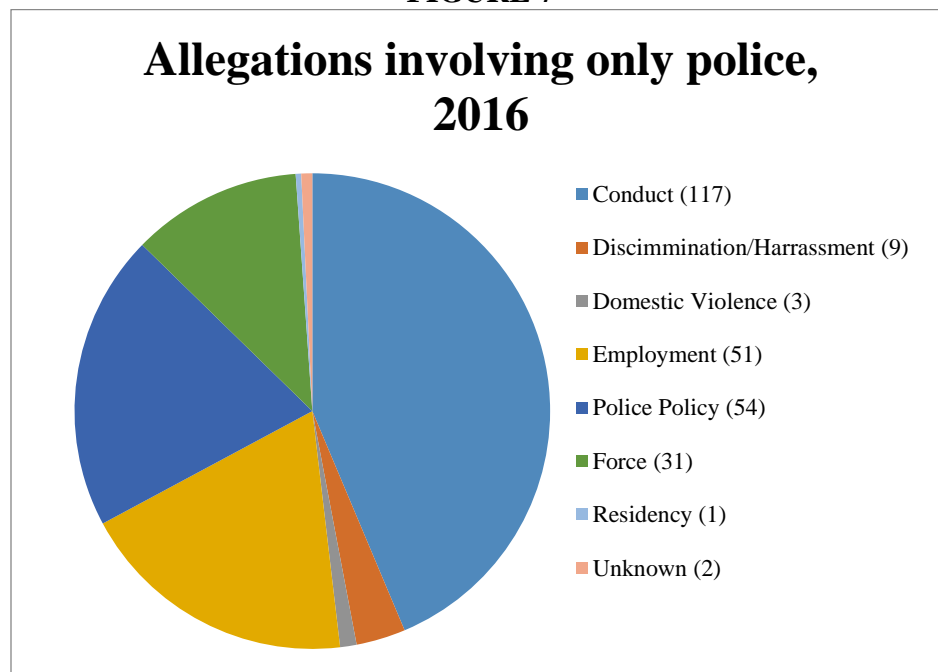
**FIGURE 6**



Source: OMI database

Figure 7 shows the types of allegations involving only police that were investigated in 2016. There were a total of 268 allegations involving police officers. There were 117 related to conduct, 9 concerning discrimination or harassment, 3 involving domestic violence, and 51 employment violations. There were 54 allegations of police policy violations, 31 involving use of force, 1 involving residency and 2 yet to be categorized.

**FIGURE 7**

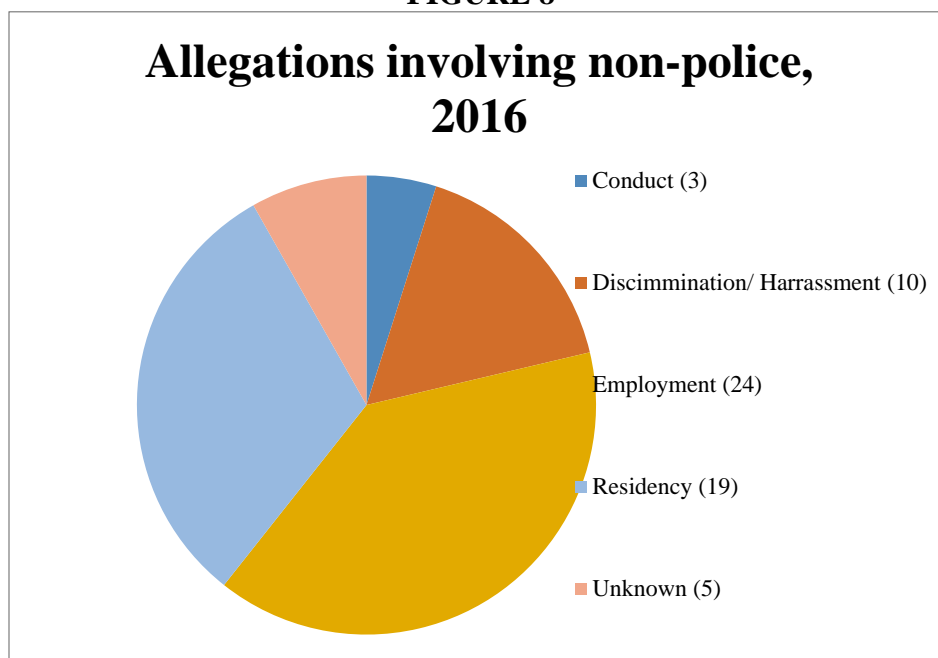


Source: OMI database



Figure 8 shows all allegations made against non-police officers in 2016. There were no allegations of domestic violence, police policy or force used; therefore they are not presented in the graphic. There were 3 allegations involving conduct, 10 of discrimination or harassment, 24 employment violations, 19 residency violations and 5 unknown for a total of 61.

**FIGURE 8**



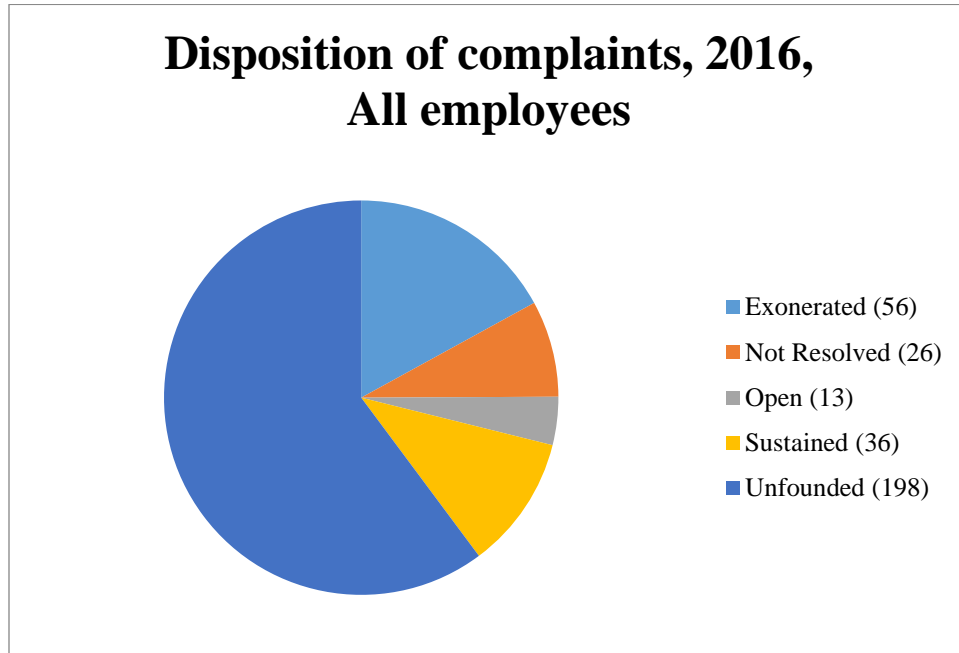
Source: OMI database

### OMI's Complaint Disposition

There are four possible dispositions (or outcomes) of investigations. A disposition of *unfounded* indicates that the employee was not involved in the alleged incident, or the alleged incident never took place. *Exonerated* means the actions that provided the basis for the allegations did occur, but the actions of the employee were justified. A finding of *not resolved* means there was not enough evidence to make a determination and a finding of *sustained* means the investigation uncovered enough evidence to clearly prove the allegation made by the complainant. A fifth category of *open* was used for those cases that were not yet completed.

As stated earlier, of the cases OMI investigated in 2016, there were 329 violations to be adjudicated. These resulted in 56 complaints exonerated, 26 not resolved, 13 remained open, 36 sustained and 198 complaints were unfounded. Figure 9 shows the disposition of complaints for all employees including police.

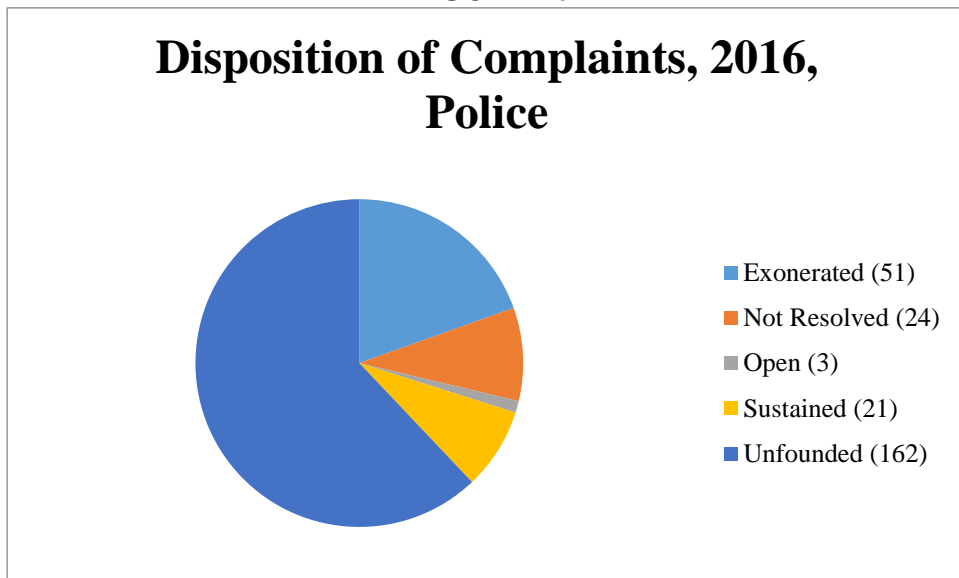
**FIGURE 9**



Source: OMI database

The majority, 79%, of allegations investigated by OMI are against the police. There were 261 dispositions of complaints made in 2016 involving police officers. These consisted of 51 complaints which were exonerated, 24 not resolved, 3 remained open, 21 were sustained and 162 were determined to be unfounded. Figure 10 shows these dispositions of complaints for police officers.

**FIGURE 10**



Source: OMI database

## Early Warning System

The development of an early warning system for problem officers was one of the central stipulations in the City's consent decree with the Justice Department. As early as 1981, the United States Commission on Civil Rights was calling on police departments nationwide to develop a mechanism with which to measure several different metrics and offer up an overall threshold in which to identify officers who exhibit problem behaviors. In fact, according to the Alpert & Walker report, prior to the consent decree in 1997, the City "maintained no systematic records of officer use of force."

Today, OMI's case information is logged into the police database and details are viewable by supervisory personnel. OMI's responsibility is only to investigate and determine wrongdoing by employees. It is unknown whether within the police department this information is used to identify problem officers. An investigation of what the police department does with this information is beyond the scope of this audit. It is up to each department to handle disciplinary actions for employees who violate policy.

**Finding:** OMI's database contains information that could be used to track problem employees.

**Finding:** OMI circulates a monthly report to all directors of accused personnel in the city listing at minimum the following information: complainant name/s, accused employee name/s, and type of allegation. It is up to OMI's administration whether to include a case if wider knowledge of the case will compromise the integrity of the investigation.

## Background Check Process for City Employment

In today's world, it is commonplace for human resource departments to require all types of background checks before an offer of employment is made; and employment with the City of Pittsburgh is no different. How stringent these checks are vary from department to department. Background checks can include work history, education, criminal record, financial history, medical history or use of social media. The U.S. Equal Employment Opportunity Commission (EEOC) and the Federal Trade Commission (FTC) are responsible for ensuring these background checks are performed in a way that is fair and equitable.

It is illegal to check the background of applicants when that decision is based on "race, national origin, color, sex, religion, disability, genetic information (including family medical history), sexual orientation or age. For example, asking only people of a certain race about their financial histories or criminal records is evidence of discrimination" as stated in the Background Checks What Employers Need to Know, issued jointly by the EEOC and the FTC in 2017. Additionally, the Fair Credit Reporting Act (FCRA) overseen by the FTC requires that when an employer takes an adverse action based on background information obtained from a company in the business of compiling background information, the following conditions must be met:

- 1) The employer must tell the applicant in writing that they might use the information for decisions about employment and
- 2) Written consent must be obtained.

**Finding:** The City of Pittsburgh’s Department of Personnel and Civil Service Commission processes and stores all records related to credit reports gathered for prospective employees.

The EEOC requires that any employment records (including application forms) acquired by local governments be held for a period of two years. The FTC further requires this information be disposed of securely, by “burning, pulverizing, or shredding paper documents and disposing of electronic information so that it can’t be read or reconstructed.” (EEOC, 2017)

**Finding:** Prospective employee information which is gathered by OMI is retained by OMI for an indefinite amount of time and therefore meets these federal guidelines.

It should be noted that the City Controller’s Office released a performance audit in November 2017 recommending a citywide policy for the acquisition, retention and destruction of personally identifiable information. The city, led by the Department of Personnel is in the process of writing such a policy.

## **Public Safety Employees Background Check Processes**

The City of Pittsburgh’s Department of Public Safety has many different departments, including the Bureaus of Police, Fire, and Emergency Medical Services (EMS). Background check processes for the city’s public safety jobs are much more thorough than for other kinds of employment. Traditional employment criteria for city employees include stable employment history, personal references, and credit reports. Public safety candidates are also subject to social media accounts reviews, civil and criminal history checks, along with neighbor interviews.

A potential police officer candidate, for example, first completes a fifteen page application with the City of Pittsburgh. This application itself delves into many areas of the candidate's life, including detailed questions about citizenship, marital status, family background, community involvement, education, employment history, former residences, military service, driving history, legal issues including past drug use, and financial information. In addition, the prospective police officer candidate is required to list all former residences for the past ten years, along with current contact information for individuals they lived with.

Requirements for public safety jobs with the city of Pittsburgh are as follows: at least eighteen years of age, a United States citizen, current and valid PA state driver’s license. Until recently, police officers also had to be city residents. In 2017 this rule was changed to allow city officers and officer candidates to live within a 25 mile radius from the City-County Building. Additionally, EMS and fire applicants must have or be able to obtain proper certifications; and police applicants must have at least 60 credits at an accredited higher learning institution. If a candidate is a veteran, veteran's preference materials are collected at the point of application. If criteria are met for police and firefighter posts, the candidate is given two civil service test date options and a physical examination is scheduled as well as a fitness test for fire and police candidates to determine if they can meet the physical demands of the job.

The Department of Personnel & Civil Service assembles a list of the candidates who have passed the physical and written tests in order of highest score, along with those who passed these examinations the prior year. This list is called the eligibility list.

**Finding:** City of Pittsburgh public safety jobs frequently have a "rolling admissions" which means if the candidate does not make the top of the list one year, his or her name is retained for the next class.

The lists are then submitted to OMI for background checks. Background checks for firefighters are nearly as rigorous as those done for police officer candidates. Various criminal and civil court databases are searched, as well as PFA records and social media accounts. Next, job histories, references, and neighbor canvassing can start, as well as interviews of people with which the candidate has lived.

Both police officer and firefighter candidates are then required to take a polygraph test once their background checks are completed. All of the candidate's records are summarized and given to the OMI polygrapher who will ask questions about the information provided by the candidate and explore any discrepancies or omissions.

**Finding:** The answers the candidate provides on their application are then checked against information OMI gathers from official sources.

The background summary includes the following sections: awards, social and community involvement, personal references, education, military record, security, police records and legal history, abuse of drugs, alcohol and controlled substances, driving history, credit history, social media, and results of the polygraph examination for police officer and fire fighter candidates. This report is filed on each candidate and submitted to the employment committee to review.

Each department has an employment committee consisting of administrators of the respective department and representatives of the personnel department. OMI is not part of the hiring process at this stage, but is on hand to answer questions if something in their background report needs clarified. A decision on extending an offer of employment is made here. If an offer is not extended, the applicant has a right to appeal to the City of Pittsburgh's Civil Service Commission and subsequently to the Court of Common Pleas.

## Domestic Violence

The City of Pittsburgh instituted a policy for domestic violence first for police officers in 2007, then a zero tolerance policy for all city employees in 2010. The City of Pittsburgh's domestic violence policy states *"while prioritizing the safety of victims, the City of Pittsburgh is committed to addressing prevention through hiring and training practices, providing direction to supervisors for intervention when warning signs of domestic violence are evident, institutionalizing a structured response to reported incidents of domestic violence involving employees, and offering direction for conducting the subsequent administrative and/or criminal investigations."*

**Finding:** OMI already investigates allegations of domestic violence encountered during the background check process and contacts are asked about the issue.

**RECOMMENDATION #7:**

OMI investigators should continue to contact all close associates of the candidates and specifically ask and record any concerns about domestic violence or elder and child abuse, as not all acts of violence result in a PFA or charges. A checklist should be added to the background investigation summary which is given to the employment committee where concerns of domestic violence, abuse and any relevant information should be recorded.

**Background Checks Completed in 2016 for Firefighter Candidates**

In the year 2016 there were 299 candidates for firefighter positions. It was decided that two classes were to be held, in January and July. In January OMI conducted 32 background investigations and in July they conducted 45 more. In the table below, 'passed over' are candidates who had some aspect of their background investigation flagged and the candidate was not offered employment by the employment committee. The results of 2016's classes are listed in Table 1.

<b>TABLE 1</b>			
<b>Results of the 2016 Firefighter classes' background investigations</b>			
	January Class	July Class	Totals
<b>Processed by OMI</b>	32	45	77
<b>Passed over by employment committee</b>	14	10	24

**Finding:** Although it cannot be known if each candidate was passed over due to information gathered by OMI or some other factor, it appears that the work done by OMI does aid the employment committee in their decision-making process.

**OMI Complaint Management Database**

In the previous Controller's audit in 2008, it was noted that OMI had contracted with an outside firm to develop a complaint management database. This database was still being used up until early 2017, at which time a new database was installed by the city's in-house I&P department. I&P are now capable of making modifications to the database that OMI might need in the future without incurring additional costs.

**Finding:** OMI has worked extensively with the City of Pittsburgh's I&P department to develop a database designed specifically for complaint data management.

OMI is in a unique position to review all public safety candidates thoroughly prior to appointment and then to investigate complaints received on employees after hiring. All findings noted in the background check process are recorded by Personnel.

**RECOMMENDATION #8:**

OMI should continue to work with Personnel to preserve background investigation findings. The data could be analyzed at the request of the Police Bureau to examine if a correlation exists between certain findings in a background report and future complaints on a police officer.

**Recordkeeping and Storage**

In January 2015, OMI moved their offices from the Penn Avenue location in the Strip District to the 9<sup>th</sup> floor of the City-County Building, to an area recently vacated by the City of Pittsburgh's City Channel. Some material belonging to the City Channel still remains.

**Finding:** OMI's new offices in the City-County Building are much smaller than their previous offices. By nature of the work they perform, paper records need to be retained and currently Iron Mountain is assisting with this record retention.

**RECOMMENDATION #9:**

City administration should make it a priority to find OMI additional secure storage space onsite, starting with clearing the City Channel equipment that was left behind. Having the ability to retain their files from the last couple of years onsite is a more efficient and cost effective practice than requesting them from Iron Mountain.

Currently, when paper files need to be retrieved from Iron Mountain, an additional service charge is assessed. There is also a service charge assessed to return the documents back into the file box. While the oldest paper files could still be stored at Iron Mountain, developing a scanner-based record retention system would allow OMI to have immediate access to their files and only request files when an original paper copy is needed.

**RECOMMENDATION #10:**

OMI should explore investing in a scanning machine that could scan all documents for each case file. These files could be electronically retrieved when needed and would eliminate the need for incurring extra charges for retrieval of paper files.



**AUDITEE RESPONSE**



# CITY OF PITTSBURGH

## *Office of Municipal Investigations*

### OFFICE OF MUNICIPAL INVESTIGATIONS MEMORANDUM

**TO:** Michael Lamb, Controller **UNIT:** Office of City Controller  
**FROM:** Erin K. Bruni, Manager **UNIT:** OMI  
**DATE:** April 4, 2018  
**SUBJECT:** OMI Performance Audit

Mr. Roy Dean and I had the opportunity to meet with your staff (Bette Ann Puharic, Julie Hall, Sarah Capps and Chen Liu) to complete the Exit Conference for the above referenced audit on Wednesday, March 14, 2018. Based on that meeting, please find attached our comments to the recommendations in the audit in addition to some corrections/clarifications. All in all we found the audit to be fair and agree with the majority of the findings and recommendations. If you need to discuss any further, please email me at [erin.bruni@pittsburghpa.gov](mailto:erin.bruni@pittsburghpa.gov).

Please note the following corrections to the Performance Audit. Responses to the recommendations are listed below:

- Page 2 – OMI has only two (2) support staff, an administrative assistant and a stenoclerk.
- Page 3 – I believe currently the OMI Manager reports to the Director of Human Resources and Civil Service, not the Deputy Chief.
- Page 16 – Police Officer Candidates are required to have 60 educational credits, not 30. There are specified equivalencies for active military duty or Act 120 certification coupled with work experience.
- Page 16 – Background checks for firefighters, paramedics and EMTs are equally vigorous.
- Page 17 – An applicant has a right to appeal to the City of Pittsburgh's Civil Service Commission (not Pennsylvania State) and subsequently to the Court of Common Pleas.

Attachment

Cc: Bette Ann Puharis, Performance Audit Assistant Manager/City Controller's Office

CITY CONTROLLER OFFICE PERFORMANCE AUDIT OF THE OFFICE OF  
MUNICIPAL INVESTIGATIONS

- Recommendation #1 – We agree with this recommendation and initially made changes to OMI's page on the new pittsburghpa.gov website. OMI will follow up with I&P to ensure that the proper changes have been made.
- Recommendation #2 – We accept this recommendation and will follow up with I&P.
- Recommendation #3 – We accept this recommendation and continue to seek out events where we can interact with community members and organizations.
- Recommendation #4 – We agree with this recommendation and will schedule a meeting to discuss how to proceed with the Law Department and/or OMB.
- Recommendation #5 – We agree with this and will ask investigators to document how much time they spend on these investigations.
- Recommendation #6 – We agree with this recommendation and will consult with B3/I&P to determine if the Case Management System can be modified in this way.
- Recommendation #7 – We agree with this recommendation but note that this is currently being done and these incidents are documented and summarized in the background summaries, where applicable.
- Recommendation #8 – We agree and recognize that Human Resources has their own database which tracks this data. They have always been helpful in obtaining that information quickly when needed.
- Recommendation #9 – We strongly agree with this recommendation as the loss of our storage space at 2608 Penn Avenue resulted in unnecessary costs, not just for storage but retrievals. We are often asked by the Law Department or the Bureau for old cases and/or background investigations, many of which were shipped directly to Iron Mountain (without evaluation of what should be stored and what should remain onsite) due to the need to vacate the old building quickly.

- Recommendation #10 – We agree with this recommendation and last year, representatives from I&P toured OMI to observe our space issues. We were told that this was a City-wide endeavor but have not heard about the project since then.