



## Legislation Details (With Text)

**File #:** 2010-0234      **Version:** 5

**Type:** Ordinance      **Status:** Passed Finally

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

**On agenda:**      **Final action:** 10/11/2011

**Enactment date:** 10/11/2011      **Enactment #:** 21

**Effective date:** 10/20/2011

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

**Sponsors:** Reverend Ricky V. Burgess, R. Daniel Lavelle, Douglas Shields, Bruce A. Kraus, Darlene M. Harris, Theresa Kail-Smith

**Indexes:** PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE

**Code sections:**

**Attachments:** 1. 2010-0234.doc, 2. 2010-0234 Version 2.doc, 3. 2010-0234 Version 3.doc, 4. 2010-0234 Version 4.doc, 5. 2010-0234 VERSION 5.doc

| Date       | Ver. | Action By             | Action                               | Result |
|------------|------|-----------------------|--------------------------------------|--------|
| 10/20/2011 | 5    | Mayor                 | Signed by the Mayor                  |        |
| 10/11/2011 | 5    | City Council          | Passed Finally                       | Pass   |
| 10/5/2011  | 4    | Standing Committee    | Affirmatively Recommended as Amended | Pass   |
| 10/5/2011  | 4    | Standing Committee    | AMENDED BY SUBSTITUTE                | Pass   |
| 9/7/2011   | 4    | Standing Committee    | Held in Committee                    | Pass   |
| 9/7/2011   | 4    | Standing Committee    | AMENDED                              | Fail   |
| 7/20/2011  | 4    | Standing Committee    | Held in Committee                    | Pass   |
| 6/22/2011  | 4    | Standing Committee    | Held in Committee                    | Pass   |
| 6/15/2011  | 4    | Standing Committee    | Held in Committee                    | Pass   |
| 6/15/2011  | 4    | Standing Committee    | AMENDED BY SUBSTITUTE                | Pass   |
| 6/8/2011   | 3    | Standing Committee    | Held in Committee                    | Pass   |
| 4/27/2011  | 3    | Standing Committee    | Held in Committee                    | Pass   |
| 3/2/2011   | 3    | Standing Committee    | Held in Committee                    | Pass   |
| 2/15/2011  | 3    | Committee on Hearings | Public Hearing Held                  |        |
| 2/10/2011  | 3    | Post Agenda           | Post Agenda Held                     |        |
| 12/21/2010 | 3    | Standing Committee    | Held for Cablecast Public Hearing    |        |
| 12/21/2010 | 3    | Standing Committee    | Held for Cablecast Post Agenda       |        |
| 7/28/2010  | 3    | Standing Committee    |                                      |        |
| 7/14/2010  | 3    | Standing Committee    |                                      |        |
| 7/7/2010   | 3    | Standing Committee    | Held in Committee                    | Pass   |

|           |   |                    |                                |      |
|-----------|---|--------------------|--------------------------------|------|
| 7/7/2010  | 3 | Standing Committee | AMENDED                        | Pass |
| 5/5/2010  | 2 | Standing Committee | Held in Committee              | Pass |
| 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 Cablecast Post Agenda | Pass |
| 3/16/2010 | 1 | City Council       | Read and referred              |      |

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

Whereas, the residents of the City of Pittsburgh have a right to hold the Pittsburgh Bureau of Police accountable at all times; 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 THE DIRECTOR OF PUBLIC SAFETY**

- (j) The Chief of the Bureau of Police will publish an annual police service report to the public that includes:
1. A certification by the Chief of Police that all requirements as they pertain to the Department of Public Safety, Bureau of Police of the consent decree between the United States of America and the City of Pittsburgh (CIVIL NO. 97-0354) dated April 16, 1997 and the stipulated order signed by United States District Court Judge Robert J. Cindrich signed September 30, 2002 have been maintained. A summary of the requirements for the Bureau of Police within the consent decree will be published in the annual report for reporting year 2011 (January - December 2011 to be published in calendar year 2012) and annually thereafter.
  2. Number of sworn police personnel authorized for the reporting period;
  3. Number, by rank, race and gender, of officers on active duty during the reporting period;
  4. Number of officers on workers' compensation during the reporting period;
  5. Number of officers on disability leave during the reporting period;
  6. Number of officers on military or other specified leave during the reporting period;
  7. Number of officer retirements during the reporting period;
  8. Recruitment and retention plan, including race, ethnicity and gender of applicants for police officer positions, those on the eligibility list(s) and those hired;
  9. Number of officers placed on administrative leave with pay, pending a criminal or internal misconduct charge.
  10. Number of officers disciplined, distinguished by type charge, source of charge (e.g. OMI complaint, internal review, etc...), and level of discipline, including termination;
  11. A summary of the levels of discipline resulting from disciplinary actions taken to grievance or arbitration;
  12. Number of officers losing state municipal police officer certification and reason for revocation;
  13. Number of officers sued, with a statistical breakdown showing the types of claims, in which court or administrative body they were filed, and the result in terms of payment and/or equitable relief

14. The number of police related civil actions filed during the reporting period against the City of Pittsburgh and the Bureau of Police distinguished by the type of claim and the name of the court or administrative body in which the claims were filed.
  - a. The number of civil actions settled during the reporting period and the monetary amount of each settlement identified by the year of the claim, the parties' names and, if applicable, relevant docket number.
  - b. The number of civil actions resolved during the reporting period by a court or jury or administrative body, the monetary amount distinguished by compensatory and punitive award (s) identified by the year of the original claim, the parties' names and relevant docket number.
  - c. The number of civil actions pending at the beginning and at the end of the reporting period in a court or jury or administrative body, identified by the year of the claim, the parties' names and relevant docket number.
15. Number of officers arrested and number of officers criminally charged, with a listing of the charges filed, and the disposition of those criminal charges
16. Number of calls for service answered by police, calculated and reported by Zone.
17. Number of arrests by, race, age and gender distinguished by Zone;
18. Number of traffic stops, broken down by race, and gender of driver for each Zone;
19. Number of Field Contacts/Warrantless Search & Seizures (FCWSS) conducted specifying the following:
  - a. Total FCWSS,
  - b. The result of the FCWSS,
  - c. Reason for FCWSS,
  - d. Contacts by age, gender and race,
  - e. Type contact made (pedestrian, driver, vehicle occupant).
  - f. If a strip search or body cavity search, provide the following information for each contact:

**Descriptors** (for strip searches):

Reason for Police Search

Resulting Police Action(s)

Person Searched

Gender

Age Range (to protect identity of person searched)

Race

Zone

Month

Time of Day

Gender of Officer Performing Strip Search

**Descriptors** (for body cavity searches):

Reason for Police Search

Resulting Police Action(s)

Person Searched

Gender

Age Range (to protect identity of person searched)

Race

Zone

Month  
Time of Day  
Specific Reason Body Cavity Search Conducted  
Location Search Conducted (hospital, etc...)  
Person Conducting Search by Occupation (doctor, etc...)  
Result of Search

20. The number of pedestrian stops that result in a frisk of the individual(s). For purposes of this legislation, a frisk is defined as a search limited to an external feeling of the outer garments of a citizen based upon reasonable suspicions that criminal activity may be afoot and that the person may be armed and presently dangerous. If a weapon is detected, the officer may reach into a pocket or under a garment and seize the weapon. An officer may also reach into the pocket or clothing during the search for weapons if the officer detects an object that is not a weapon and it is immediately apparent to the officer that the item is contraband or evidence of a crime. A summary of the data will include:
- a. Total pedestrian stops that resulted in a frisk bureau wide and by zone,
  - b. The result of the pedestrian stops that resulted in a frisk,
  - c. Reason for pedestrian stops that resulted in a frisk,
  - d. Pedestrian stops that resulted in a frisk by age, gender and race,

The City shall fund in the 2012 City Budget and thereafter to allow City Information Systems ("CIS") and the Bureau of Police to design, implement and maintain an electronic "Daily Activity Report" which will capture the above information. The electronic "Daily Activity Report" will be implemented in 2013.

The City shall fund in the 2012 City Budget and thereafter to allow CIS and the Bureau of Police to design, implement and maintain any upgrades needed for the Field Contact Search and Seizure Report required by the implementation of the "Daily Electronic Activity Report."

The funding shall be in addition to that funding which has already been allocated annually to City Information Systems (CIS) and the Bureau of Police (BPP) for Information Technology projects currently under development as well as on-going maintenance and licensing fees, hardware costs, software upgrades and management of applications of public safety systems currently in production.

21. Notify the public of the right to initiate a complaint against an officer, in person, electronically, by facsimile, letter or telephone and such notice will include the physical and electronic address, telephone number, and facsimile number of the Office of Municipal Investigations and the Citizen Police Review Board.
22. A summary of police pursuits initiated by Pittsburgh Police specifying:
- a. Reason pursuit initiated,
  - b. Zone initiating pursuit,
  - c. Outcome of pursuit (to include arrests, collisions and injuries)

Note: All information required in this legislation is contingent upon the controlling agency/department providing said information to the Pittsburgh Bureau of Police.

## SEVERABILITY

"Severability is intended throughout and within the provision of this section. If any provision, including, inter alia, any exception, paragraph, phase or term, or the application, thereof, to any person or circumstances is held invalid, the application to the persons or circumstances shall not be affected thereby and the validity of this Section in any and all other respects shall not be affected thereby. The City does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America."

Note: This legislation became known as the "Police Accountability" Bill.