

**TCG**

THOMAS  
CONSULTING  
GROUP



# Office of Municipal Investigations

*Transition Briefing*



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## Executive Summary

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## Overview

The Office of Municipal Investigations (OMI) is responsible primarily for investigating complaints against City of Pittsburgh employees. 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. 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.

Due to their overlapping authority, OMI and the Citizen's Police Review Board (CPRB) may both investigate the same complaint of misconduct. Unlike the Citizen's Police Review Board, OMI must investigate all complaints against the Bureau of Police and must have its findings accepted by the Chief of Police.

OMI also identifies problem areas where policy development or retraining may be necessary. By remaining independent from any Public Safety Department bureau, and by staying removed from the disciplinary process, OMI ensures citizens and employees get a fair, thorough investigation.

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.

## Staff

OMI is currently housed under the Department of Public Safety in the Consent Decree but now reports directly to the Chief of Staff Dan Gilman. Ms. Erin Bruni is the Manager for OMI, where she began as an intern 20 years ago. Her previous position was eliminated after the



death of the former manager, a position she then assumed. Ms. Bruni says the office is technically, but not directly, linked to the Bureau of Police or Department of Public Safety. However, it is included in the weekly director's meetings. Meetings with the Chief of Staff (and rarely the mayor) are held when necessary (i.e. officer/employee misconduct that could be deemed criminal). Ms. Bruni asserts that she maintains an arm's length from Department of Public Safety as not to impact OMI findings.

In addition to the manager, there is one sergeant and six detectives assigned to the OMI. Per Ms. Bruni, these officers are "under" the Bureau of Police (BOP) based on title and report to the BOP for administrative matters. For day-to-day matters, the officers report to her. There is overlap with the BOP only when the sergeant/detectives sign up for extra detail. For instance, one detective signs up twice a month for River Rescue detail. These are extra hours as they work full time with OMI.

Ms. Bruni believes the OMI could use more support (staff) for conducting background checks while the sergeant is currently solely responsible for this duty, which takes away from investigatory matters. There is a fiscal coordinator (who does more executive assistant work) that has been employed with the city since 1964. Bruni says she "works for pennies" and will be a hard person to replace when/if she leaves.

### Intake

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. Tape recordings are utilized initially, unless refused. Otherwise, the complaint is required to be placed in writing. 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. Possible closing categories are: Sustained, Not Resolved, Exonerated or Unfounded.



## 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. These policy violations are called allegations. A single case can have one or more allegations against one or more employees.

## Caseload

According to a Performance Audit conducted by the Office of the Controller in 2018, 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.

## Public Safety Employees Background Check Processes

OMI conducts pre-employment background investigations for Public Safety jobs and when otherwise requested. The City of Pittsburgh's Department of Public Safety has many different departments, including the Bureaus of Police, Fire, and Emergency Medical Services (EMS).

## Residency Compliance

OMI conducts investigations when questions arise concerning City employee residency compliance.

## Conclusion

The OMI provides recommendations, NOT findings. There is a lower threshold for determining recommendations under OMI regulations than you would see in courts. Instances have occurred where some cases are thrown out in court but may move forward under the OMI due to the lower standard of determination.

The Evidence Standard under the OMI is based on Equal Credibility between the complainant and the employee.



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## Findings

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## Interviewing

The use of tape recordings as an initial method of conducting intake seems aggressive and may cause complainants to retreat.

## Continued Public Awareness

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.

## Closing Categories

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 progress 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.

## Evidence Standard

As Ms. Bruni pointed out, each party investigated is seen as equally credible, which leads to cases being dismissed because there is not an ounce more of evidence from one side over another.



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## About the Agency

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## Contact Information

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## Enabling Legislation

The positions of OMI are appointed by the mayor and confirmed by City Council under the provisions of Section 209 of the Home Rule Charter:

### 209. APPOINTMENT AND TERM OF HEADS OF MAJOR ADMINISTRATIVE UNITS

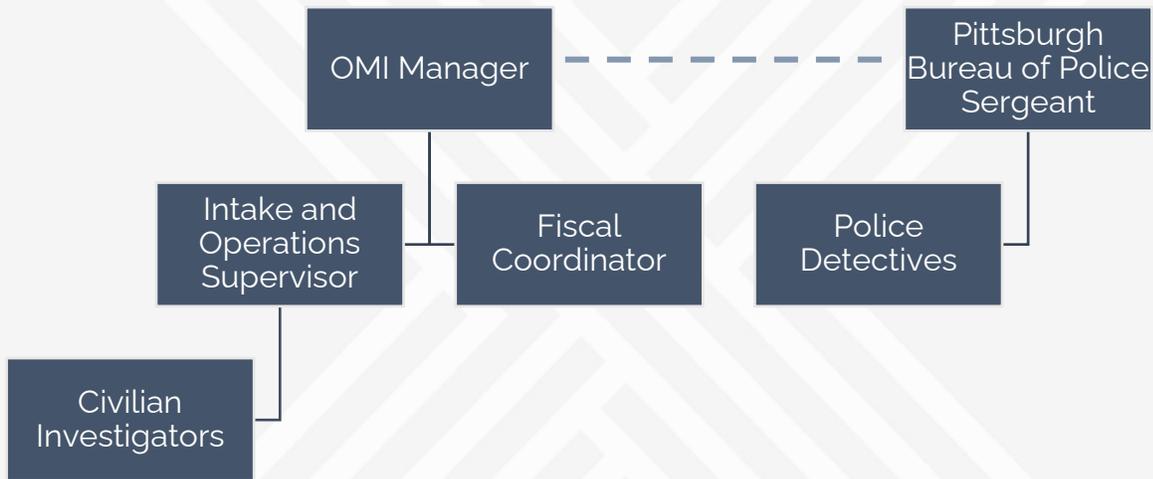
The mayor shall appoint the heads of all major administrative units subject to approval of council. Unless removed, all major administrative unit heads shall hold office during the term for which the mayor is elected and until their successors are appointed and qualified.

## Mission

The Office of Municipal Investigations (OMI) is responsible for coordinating the receipt, analysis and investigation of citizen complaints of alleged misconduct by employees of the City of Pittsburgh.



## Organizational Chart



## 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 that 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 of the unit 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, the staff in 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 16 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 Human Resources and Civil Service Department. A new manager was appointed and reported directly to the Director of Human Resources & Civil Service. As mentioned above, and per OMI, the current manager (civilian), Intake & Operations Supervisor (civilian), Fiscal Coordinator (civilian) and five Civilian Investigators report directly to the Mayor's Chief of Staff, while the Sergeant and six police detectives for OMI report to the Bureau of Police for administrative matters with daily reporting directed to the manager of OMI.

### Descriptions of Services

The Office of Municipal Investigations is responsible primarily for investigating complaints against City of Pittsburgh employees. OMI relies on city work rules, union contracts, civil service regulations, city code, and state laws to define illegal and inappropriate conduct and rules of investigation. 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.



### Allegations of Misconduct

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.

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.

### *Summary of Allegations*

Allegations in the database are specific to each department, creating a wide variety of types. The allegations are primarily categorized 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 Department of Public Works (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 toward 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)
- 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 are categorized under:

- Police Policy (Towing, searches, patrols, investigative procedures)
- Force (Use of force during an arrest, taser discharge, shoving, pushing)

### *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.

According to a Performance Audit conducted by the Office of the Controller, in 2018, 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.



### *Pre-Employment Investigation*

#### Public Safety Employees Background Check Processes

OMI conducts pre-employment background investigations for Public Safety jobs and when otherwise requested. 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 account reviews, civil and criminal history checks, along with neighbor interviews.

Requirements for public safety jobs with the City of Pittsburgh are as follows: at least 18 years of age, a United States citizen, and a 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.

### *Residency Compliance*

OMI conducts investigations when questions arise concerning City employee residency compliance.



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## Agency Goals

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## Overall Goal

Promote community confidence in City government by working to prevent future incidents of City of Pittsburgh employee misconduct and abuse of civil rights by City law enforcement officers.

These goals are accomplished by insuring prompt, thorough, accurate and timely investigations into City of Pittsburgh employee misconduct.

### *Objectives:*

1. Consistent and thorough training of OMI staff to enhance investigative skills.
2. A quarterly report reflecting OMI's investigative product from intake through conclusion as a means to ensure public confidence and establish official accountability.
3. Implementation of appropriate database systems in an effort to ensure accurate maintenance of records, and as a mechanism for more streamlined and efficient method-of-case management.

## **Continue to keep caseloads current and complete cases in a timely manner.**

Strategies to Achieve Goal:

- Collaborate with Bureau of Police or other public safety departments for processing of background investigations. This will allow OMI's assigned investigators additional time to focus on and complete complaint investigations.

How Success Will Be Measured:

- Track case deadlines to complete cases within 120 days, with limited exceptions.

## **Continue education in regard to functionality of the new police database, IA Pro.**

Strategies to Achieve Goal:

- Track statistics on allegation type, disposition, etc.

How Success Will Be Measured:

- Include this data in the OMI Annual Report



### **Continue presence at community meetings and events.**

#### Strategies to Achieve Goal:

- Attend community meetings and events held by the Public Safety Administration, Special Events, or Office of Community Affairs. Due to the COVID-19 pandemic, this may result in providing information electronically to community organizations.

#### How Success Will Be Measured:

- Track number of events attended or number of organizations to which information was provided.

### **Continue to train OMI staff in specialized areas of investigations.**

#### Strategies to Achieve Goal:

- Seek out continuing education opportunities.

#### How Success Will Be Measured:

- Certificates of Completion



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## Performance Metrics

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Refer to Goals Section



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## Budget

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## Staffing and Salaries

City of Pittsburgh Operating Budget  
Fiscal Year 2022

Office of Municipal Investigations  
240000

### Position Summary

Title	2021	Rate/	Hours/	2021	2022	Rate/	Hours/	2022
	FTE	Grade	Months	Budget	FTE	Grade	Months	Budget
OMI Manager	1	32G	12	\$ 98,369	1	32G	12	\$ 101,320
Intake & Operations Supervisor	1	26E	12	71,364	1	26E	12	73,505
OMI Investigator	5	19E	12	267,001	5	19E	12	275,011
Fiscal Coordinator	1	15E	12	45,519	1	15E	12	46,884
<b>Total Full-Time Permanent Positions</b>	<b>8</b>			<b>\$ 482,253</b>	<b>8</b>			<b>\$ 496,720</b>



## Other Operating Funds

City of Pittsburgh Operating Budget  
Fiscal Year 2022

Office of Municipal Investigations  
240000

### Subclass Detail

	2020	2021	2022	Increase/ (Decrease)	% Change
	Actual	Budget	Budget		
<b>Expenditures</b>					
<b>51 - PERSONNEL-SALARIES &amp; WAGES</b>	<b>\$ 498,164</b>	<b>\$ 482,836</b>	<b>\$ 497,321</b>	<b>\$ 14,485</b>	<b>3.0%</b>
51101 - Regular	496,809	482,253	496,721	14,468	
51401 - Premium Pay	1,355	583	600	17	
<b>52 - PERSONNEL-EMPLOYEE BENEFITS</b>	<b>106,807</b>	<b>118,981</b>	<b>151,958</b>	<b>32,977</b>	<b>27.7%</b>
52101 - Health Insurance	52,800	64,114	89,844	25,730	
52111 - Other Insurance/Benefits	8,781	9,318	10,075	757	
52201 - Social Security	37,555	37,549	39,040	1,491	
52601 - Personal Leave Buyback	7,671	8,000	13,000	5,000	
<b>53 - PROFESSIONAL &amp; TECHNICAL SERVICES</b>	<b>34,322</b>	<b>68,000</b>	<b>68,000</b>	<b>—</b>	<b>—%</b>
53101 - Administrative Fees	—	1,000	1,000	—	
53105 - Recording/Filing Fees	3,666	4,500	4,500	—	
53301 - Workforce Training	4,614	15,000	15,000	—	
53517 - Legal Fees	13,944	10,000	10,000	—	
53529 - Protective/Investigation	12,098	37,500	37,500	—	
<b>55 - OTHER SERVICES</b>	<b>—</b>	<b>3,000</b>	<b>3,000</b>	<b>—</b>	<b>—%</b>
55305 - Promotional	—	2,500	2,500	—	
55701 - Transportation	—	500	500	—	
<b>56 - SUPPLIES</b>	<b>4,126</b>	<b>11,650</b>	<b>11,650</b>	<b>—</b>	<b>—%</b>
56101 - Office Supplies	3,187	6,000	6,000	—	
56103 - Freight	—	150	150	—	
56151 - Operational Supplies	939	5,500	5,500	—	
	<b>\$ 643,419</b>	<b>\$ 684,467</b>	<b>\$ 731,929</b>	<b>\$ 47,462</b>	<b>6.9%</b>



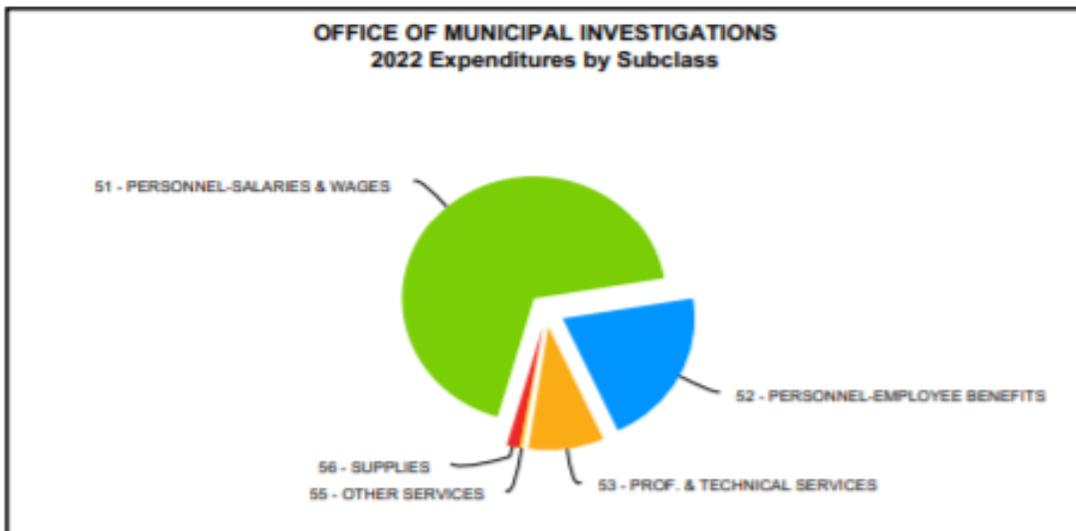
## 5-Year Forecast

City of Pittsburgh Operating Budget  
Fiscal Year 2022

Office of Municipal Investigations  
240000

### Five Year Forecast

	2022	2023	2024	2025	2026
<b>Expenditures</b>					
51 - PERSONNEL-SALARIES & WAGES	\$ 497,321	\$ 507,274	\$ 517,425	\$ 527,779	\$ 538,340
52 - PERSONNEL-EMPLOYEE BENEFITS	151,958	158,280	164,945	171,970	179,382
53 - PROF. & TECHNICAL SERVICES	68,000	68,000	68,000	68,000	68,000
55 - OTHER SERVICES	3,000	3,000	3,000	3,000	3,000
56 - SUPPLIES	11,650	11,650	11,650	11,650	11,650
<b>Total</b>	<b>\$ 731,929</b>	<b>\$ 748,204</b>	<b>\$ 765,020</b>	<b>\$ 782,399</b>	<b>\$ 800,372</b>
% Change from Prior Year	6.9%	2.2%	2.2%	2.3%	2.3%





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## Programs & Projects

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### Investigator Training

In addition to routine legal updates, in 2020, OMI's investigators attended the following trainings:

- Mid-Atlantic Police Polygraph Cooperative (continuing education)
- National Association of Civilian Oversight on Law Enforcement Annual Conference (virtually)
- Use of Force Summit (virtually)

### Community Outreach

Due to the COVID-19 pandemic, OMI was unable to participate in face-to-face community events in 2020. However, staff still participated virtually in:

- Civic Leadership Academy
- Citizen Police Academy
- City Voltron Meetings—Collaborative effort amongst City Departments to distribute information via social media to City residents.



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## Opportunities & Risks

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## 2020 Accomplishments

- OMI personnel attended training in polygraph examinations, conducting public safety background investigations, legal updates, the REID technique in interviewing and interrogation, and certification courses specific to internal affairs investigators.
- OMI personnel continued their community outreach presence by attending the City-Wide Public Safety Meeting, Civic Leadership Academy, Citizen Police Academy, and other community events, providing informational materials to the public regarding OMI's processes.
- OMI has collaborated with the Domestic Violence Review Board to provide information and/or evidence to the Board members, who in turn can make recommendations to the Departmental Director in regard to disciplinary action or employee assistance programs.

## 2021 Accomplishments

- Processed three small groups of EMS candidates as well as a Fire class
- Processing of complaints continued uninterrupted throughout the pandemic

## Significant Milestones Between 11/3/21 and 4/30/22

N/A

## Important Decisions Between 1/6/21 and 12/31/22

N/A

## Risks Ahead

N/A



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## Reports

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## Performance Audit, May 2018

The 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.

[Office of Municipal Investigations](#)