

Your honor,

Thank you for permitting me to speak on behalf of the CITIZEN POLICE REVIEW BOARD of the City of Pittsburgh.

On May 20th, 1997, the people of the City of Pittsburgh, through the cherished and respected democratic process of referendum, chose to create a Citizen Police Review Board for the purpose of changing the way police conduct is investigated in this City. The independent consent decree Auditor's quarterly reports filed with this honorable Court sustain the wisdom of the people seeking independent investigation into the affairs of this Bureau of Police.

The consent decree is between the City of Pittsburgh and the United States Department of Justice. It is not segmented into different terms for the Bureau of Police, the Office of Municipal Investigations, the Department of Public Safety, or the Department of Law. The decree requires a minimum term of five years. After that initial term of five years and after substantial compliance is demonstrated for a period of two years, the City is permitted to petition for termination of the agreement. The decree did not allow for piecemeal compliance, which is what the parties ask you to approve in the joint motion before you. We believe that the corporation of the City of Pittsburgh is responsible for meeting the terms of the consent decree, and that OMI and the Bureau of Police are inextricably linked and

under the supervision of the City of Pittsburgh. We understand that the Bureau of Police has demonstrated substantial compliance, verified by the independent Auditor, for at least two consecutive years. We applaud that success; however, the Bureau's compliance alone does not satisfy the terms of the consent decree. We are concerned that any modification to the decree would seriously undermine its integrity and permit the City to diminish its commitment to the reforms initially contemplated by the decree.

There exists a self-evident conflict of interest in the current investigative process utilized by the City. The Office of Municipal Investigations is a discrete office within the Department of Law. Organizationally, the City Solicitor supervises investigations into complaints of police misconduct that may reveal wrongdoing against which the City Solicitor will have to defend the City. Now, we understand that a police Commander is directly supervising investigations at OMI. The conflict becomes even more significant, and organizationally irrational –is the Department of Public Safety or the Department of Law conducting the investigations?

We know that both tradition and political pragmatism have influenced the management of the Bureau of Police. Both citizens and police officers suffer from the consequences when management discretion is unduly influenced by a political

or economic agenda. We recognize that peacekeeping within a community will always have political overtones. The consent decree represented the beginning of a long process of reform designed to minimize such influences and restore public trust in the Bureau of Police.

We are deeply concerned that the lack of political will to honor the citizens of this City as demonstrated toward the CPRB by the City and the Department of Justice when they determined that the CPRB was a part of the defendant class City of Pittsburgh, will be extended to all aspects of police accountability upon termination of the consent decree. Since the Consent Decree Auditor has been reporting to this honorable court, the public has had some insight into the progress of reform. Upon termination, there will be no public disclosure except that which the administration is inclined to provide, or perhaps as this court may order.

We ask that you:

1. deny the motion for modification as presented;
2. find that the City has failed to faithfully implement the consent decree provisions related to OMI and are therefore premature in seeking any relief from the consent decree;

3. impose an independent facilitator or entity to conduct unbiased investigations into alleged police misconduct;
4. prohibit the Department of Law or the Department of Public Safety from being responsible for the investigation of citizen complaints alleging police misconduct; and
5. order continued public disclosure of statistics related to the performance of the Bureau of Police.

Thank you.

Marsha V. Hinton, Chair

CITIZEN POLICE REVIEW BOARD

City of Pittsburgh

September 13, 2002