CITIZEN POLICE REVIEW BOARD
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Minutes of the CPRB Meeting Held on March 22, 2005
Homewood Brushton Senior Center
Pittsburgh, PA 15208

Members Present: Ms. Marsha Hinton, Chair,
Mr. John H. Bingler, Jr., Esq, Vice Chair
Mr. Malik G. Bankston
Mr. Richard M. Carrington
Ms. Erin Dalton

Excused:
Absent: Mr. Ron Freeman

DRAFT

Solicitor: Mr. Frederick W. Thieman, Esq.

Vacancies: One (1 – Council nominee)

Staff Present: Ms. Elizabeth C. Pittinger, Exec. Dir.
Ms. Michelle Gamble
Mr. Brian Matts
Ms. Rhonda Sears

Excused: Ms. Phyllis B. Bianculli
Ms. Carolyn Gaskin

Administrative Matters:

Ms. Marsha Hinton, Chair, called the meeting to order at 6:12 p.m.

A motion to adopt the meeting minutes for January and February 2005 was offered by Mr. Bankston, seconded by Mr. Carrington and approved unanimously.

A motion to adopt Ms. Pittinger's Taser Report to Pittsburgh City Council was offered by Mr. Bingler, seconded by Mr. Bankston and approved unanimously.

Executive Director's Report: *(Written report was submitted and is attached)*

- Member Status: The Board discussed the remaining vacancy and the status of Mr. Freeman's participation as a member. Mr. Freeman holds the LEP seat designated as a Council nominee. He was appointed in November 2003, and has not attended any meetings nor served on any hearing panels. Ms. Hinton reported to colleagues that she has made numerous unsuccessful efforts to contact Mr. Freeman regarding his availability to serve on hearing panels and otherwise participate in Board activities.

  Members asked Mr. Thieman to describe their options to compel Council and the Mayor to act on Board appointments. Mr. Thieman advised them to consider asking the Mayor to recognize Mr. Freeman's seat as abandoned to permit Council to nominate a Law Enforcement Professional to the Board. Additionally, Mr. Thieman outlined the option of filing a Complaint in Mandamus against City Council and the Mayor to require them to act as required by the City Code to fill vacancies on the Board.

  Members asked Ms. Hinton to notify Mr. Freeman of their concern and ask him to notify the Mayor of his resignation from the Board by the next Board meeting.

- David A. Harris, Balk Professor of Law and Values at the University of Toledo College of Law, wrote an opinion article in the Post Gazette Sunday edition on March 20, 2005. He was complimentary to the process embraced by citizen oversight of police conduct. It was apart of a book he recently published "Good Cops: The Case for Preventive Policing" about contemporary police practices. The book explores how the Department of Justice policies have influenced local policing, how various jurisdiction have developed community relationships with citizens, how administrative aspects of police have moved to the more accountable internal systems like the Early Warning System and Performance Review System that we have in Pittsburgh. Former CPRB Chair, Dr. Burkoff, and the University of Pittsburgh School of Law hosted a reception on March 21st for Dr. Harris. The reception was preceded by a public forum in which Dr. Harris and Chief Robert McNeilly offered their perspectives on the subjects highlighted in the book. Ms. Pittinger attended the forum and offered information on the local process and the obstacles encountered by the Pittsburgh CPRB.
- The Executive Director requested panel confirmation for the Public Hearing scheduled for April 6, 2005 of Ms. Hinton, Ms. Dalton, and Mr. Bingler. Mr. Bingler has agreed to sit in for Mr. Freeman. A master list of cases pending public hearing was provided for Members and Panel Members have selected dates to conduct their respective hearings.

- Mr. Billy Jackson has been working on a film-documentary to commemorate the death of Johnny Gammage. A screening of the film is scheduled at 4:00 pm tomorrow (3/23/05) at the Urban Mountain Meeting Center (at the Presbyterian Church) on Bailey Avenue, Mt. Washington. The Executive Director invited the members to attend. The project was designed to focus on the Gammage incident but evolved to a critical look at citizen-police relations, how problems surface, and the sometimes tragic outcomes of police/citizen encounters. Mr. Jackson has asked for Board endorsement of the film as a potential training tool and community outreach asset. The Board declined any public endorsement until such time as the project is completed and the film is published.

Case Review:

Ms. Hinton moved to the case review portion of the meeting. The audience was provided with summaries containing no specific personal identifiers.

The Board reviewed investigative reports and acted on each case as noted (votes unanimous among attending members unless otherwise noted). *(Actions taken are published here and on the CPRB website: http://www.city.pittsburgh.pa.us/cprb/)*

Board Actions

Board Action Date: 3/22/05

Case Review Agenda

CPRB# / Investigator	**ALLEGATION**	**SUMMARY**	**REASON**
Public Hearings (2)			
42-04 Matts	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Warrantless Searches & Seizures (PBP 45-2)	Cx. alleges that his vehicle was stopped to look for an address and he was mistreated by four S.O.s.	Authorized a Public Hearing.
123-04 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Towing & Tow Pound Procedures (PBP 41-1)	Cxs. allege that the S.O. acted inappropriately while towing their vehicle.	Authorized a Public Hearing.
PRELIMINARY INQUIRY (0)			
FULL INVESTIGATIONS (3)			
59-04 Gamble ECP	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O.s acted inappropriately while falsely arresting him.	Authorized a Full Investigation.
379-04 Gamble ECP	Use of Force (PBP 12-6) Conduct Toward the Public (PBP 16-1, 3.7) Towing & Tow Pound Procedures (PBP 41-1) Warrantless Searches & Seizures (PBP 45-2)	Cx. alleges that the S.O. acted inappropriately after his vehicle broke down.	Authorized a Full Investigation.
413-04 Gamble ECP	Neglect of Duty (PBP 16-14, 3.13)	Cx. alleges that the S.O.s failed to intervene while he was being assaulted by Witness #2.	Authorized a Full Investigation.

CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
30-DAY EXTENSION OF FULL INVESTIGATION (0)			
OTHERS (11)			
10-02-W GAMBLE	Use of Force (PBP 12-6) Warrantless Searches and Seizures (PBP 45-2) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O.s used excessive force during his arrest.	Suspension Occurred: 10-22-02 (Awaiting Cx's possible release date).
106-02 GAMBLE	Records/Reports/Files-General Regulation **(S.O. #1 & #2)** (PBP 62-1) Truthfulness **(S.O. #2)** (PBP 16-1, 3.19) Conduct Unbecoming a Member **(S.O. #2)** (PBP 16-1, 3.6)	Cx. alleges that she received a false traffic citation after the S.O.'s vehicle hit the Cx.'s vehicle.	Suspension Occurred: 03-25-03 (S.O. #2, on military duty).
269-03 MATTS	Use of Force (PBP 12-6)	Cx. alleges the S.O. shot and killed the Victim before all non-lethal measures were attempted.	Suspension Occurred: 09-23-03 (Awaiting conclusion of coroner's investigation).
339-03 MATTS	Use of Force (S.O. #1) (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Records/Reports/Files-General Regulations (S.O. #2, 3, &4) (PBP 62-1) Neglect of Duty (S.O. #1) (PBP 16-1, 3.13)	Cx. alleges that the S.O.s utilized excessive force and also wrote a false report.	Suspension Occurred: 02/24/04 (Pending reevaluation of complaint due to the investigator's separation from the agency).
363-03 MATTS	Use of Force (PBP 12-6)	Cx. alleges the S.O.s used excessive force during his arrest.	Suspension Occurred: 02/24/04 (Pending reevaluation of complaint due to the investigator's separation from the agency).
101-04 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. was rude to her while she was trying to file a police report.	Suspension Occurred: 12/7/04 Pending consideration of possible reclassification.
189-04 Gamble	Use of Force (PBP 12-6)	Cx. alleges the S.O.s used excessive force while arresting him.	Suspend: Pending Complainant's release date.
210-04 Matts	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Towing & Tow Pound Procedures (PBP 41-4)	Cx. alleges that the S.O. did not treat him properly and arrested him without cause.	Suspension Occurred: 1/25/05 (Pending re-evaluation by the executive director).

CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
228-04 Matts	Towing & Tow Pound Procedures (PBP 41-4) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that his vehicle was wrongfully towed.	Suspension Occurred: 1/25/05 Pending a possible reclassification of complaint.
245-04 MATTS	Obedience to Orders &/or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. was rude to him and issued an improper citation.	Suspension Occurred: 12/7/04 Pending possible reclassification of complaint.
351-04 Matts	Use of Force **(S.O. #2)** (PBP 12-6) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O. used excessive force during his arrest.	Suspend: Until S.O. statements can be obtained and evaluated.
DISMISSALS (5)			
UNSUSTAINABLE (2)			
374-04 Gamble	Use of Force (PBP 12-6)	Cx. alleges that the S.O.s intentionally hit him with their vehicle.	Dismissed as Unsustainable.
394-04 Gamble	Property of Prisoners & Suspects–General Regulations (PBP 50-2) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that his property was not returned to him after his arrest.	Dismissed as Unsustainable.
UNFOUNDED (2)			
207-04 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O. has filed false charges against her.	Dismissed as Unfounded.
319-04 Matts	Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O. has neglected to investigate his complaint.	Dismissed as Unfounded.
WITHDRAWAL (1)			
266-04 Gamble	Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O. did not obtain a warrant for Witness #1.	Accepted the Complainant's request for withdrawal.
LACK OF COOPERATION (0)			

** ECP = Executive Director reviewed fact-finding summary and authorized a Preliminary Inquiry or concurred with recommendations of dismissal. The Board before this meeting has not seen these cases and you retain final action on these "new" cases.*

Case Discussion:

The cases in the "Others (11)" section are status updates only. Summaries are not provided for these cases until such time as a change in status occurs.

42-04 – Matts: questioned by Mr. Carrington: what is the status of the officer's statement? Mr. Matts is awaiting a response from the Office of Municipal Investigations. There is challenge offered by OMI to the Board's jurisdiction over this matter. The incident occurred on January 28th 2004. The complainant filed his initial complaint in February 5th 2004 and filed a sworn complaint on August 5th, (6 months later). Ms. Kraus, OMI Manager, objected to the subpoena alleging that

we did not have jurisdiction based on the dates related to the complaint. The ordinance is ambiguous as to applicability of the 6-month limitation to sworn or unsown statements of complaint. Mr. Thieman reviewed the manner in which the Rules and Regulations reconcile the ambiguity related to the 6-month limitation expressed in the ordinance. The Rules require a complainant to file an initial complaint within 6-months of the incident. Within 10 days of receipt of an informal complaint (by whatever means filed) we inform the complainant that they must file a sworn complaint within six months if they want the Board to investigative the complaint. That initial letter is followed with a 60-day letter reminding the complainant of their right to file a sworn complaint and what the Board requires before it can investigate the matter. .

Question by Mr. Bingler to Mr. Matts: Why aren't we postponing the Public Hearing? A: The recommendation from the staff is to authorize a Public Hearing pending receipt of the Subject Officer's statement. The Board wants to move forward expeditiously.

413-04 – Gamble/ECP – question by Ms. Hinton to Ms. Gamble: Did the complainant throw a cinder block and clip the officer on the chin? A: It appears that he did.

379-04 – Gamble/ECP – question by Mr. Carrington to Ms. Gamble: Why is the case moving to a Full Investigation? Mr. Carrington feels the case should be suspended or placed on a 30-day extension. Complainant did not show up for his 1st scheduled interview and has not confirmed any appointments to date. Ms Gamble stated that the complainant is a student in school outside of Pittsburgh. She spoke with his mother and the complainant is still interested in filing a complaint. Ms. Gamble will continue efforts to contact the complainant.

394-04 – Gamble - question by Ms. Hinton to Ms. Gamble: Is this a homicide case and is the complainant involved in it? A: Yes.

Public Comment:

The Chair opened the meeting for public comment to be limited to three minutes, at this time. Mr. Harry Liller offered public comment to the Board.

Next Meeting:

The next regular meeting is scheduled for 6:00 p.m., Tuesday, April 26, 2005 at Council Chambers, 510 City-County Building, Pittsburgh, PA 15219. The meeting was adjourned at 7:24 p.m.

Respectfully submitted,

Rhonda J. Sears
(Transcribed from audio-taped record of meeting.)

Attachment: Executive Director's Report

MEMORANDUM

To: Ms. Marsha V. Hinton, Chair
Honorable Members of the Board
From: Elizabeth C. Pittinger
Executive Director
Date: March 22, 2005

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CITIZEN POLICE REVIEW BOARD

Re: Executive Director's Report: March 22, 2005

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1) Intake as of: March 22, 2005

Citizen Complaints:	11	Pending Citizen Action:	48
Out of Jurisdiction:	15	Statute of Limitation:	08
Total Intake:	82		

- *Projection for 2005:* *CC: 52; PCA: 227; OJ: 71; SL: 03 Total: 338*
- (Actual Totals for 2004: CC: 61; PCA: 352; OJ: 62; SL: 14 Total: 489)
- (Actual Totals for 2003: CC: 61; PCA: 380; OJ: 66; SL: 20 Total: 527)
- (Actual Totals for 2002: CC: 75; PCA: 330; OJ: 83; SL: 26 Total: 514)
- (Actual Totals for 2001: CC: 77; PCA: 362; OJ: 87; SL: 11; Total: 537)
- (Actual Totals for 2000: CC: 75; PCA: 394; OJ: 92; SL: 30; Total: 590)
- (Actual Totals for 1999: CC: 80; PCA: 383; OJ: 27; SL: 11; Total: 501)

2) Board Appointment

No action taken since the previously reported inquiry made in February by City Council.

3) Public Hearings

CPRB 515-02 (Allie v. Absten) is scheduled to be heard before Ms. Hinton, Ms. Dalton and Mr. Bingler on Wednesday, April 6 , 2005 at 6:00 p.m. in Council Chambers.

4) *Good Cops…The Case for Preventive Policing*, Harris, David A., The New Press, 2005

David A. Harris is Balk Professor of Law and Values at the University of Toledo College of Law. His most recent book, Good Cops, explores the emergence of "preventive policing" which relies on police/citizen relationships and accountability. An excerpt on the CPRB is provided for your information (and a moment of well-deserved pride). An opinion piece written by Dr. Harris was published in the Sunday, 3/20/05 edition of the Post-Gazette in which he emphasized the unique character of the Pittsburgh CPRB and the potential value it offers to the City of Pittsburgh.

Respectfully submitted,

Elizabeth C. Pittinger

Attachments (2): Text excerpt from Good Cops
3/20/05 Post-Gazette Forum Article, David Harris, PhD