



## CITIZEN POLICE REVIEW BOARD

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### Minutes of the CPRB Meeting Held on September 27, 2005 Council Chambers, 510 City-County Building Pittsburgh, PA 15219

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**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  
Ms. Mary Jo Guercio  
Ms. Deborah Walker

**DRAFT**

**Solicitor:** Mr. Frederick W. Thieman, Esq.  
Mr. William F. Ward, Esq.

**Vacancies:** **None**

**Staff Present:** Ms. Elizabeth C. Pittinger, Exec. Dir.      **Excused:** Ms. Carolyn Gaskin  
Ms. Phyllis B. Bianculli  
Ms. Michelle Gamble  
Mr. Brian Matts  
Ms. Rhonda Sears

#### **Administrative Matters:**

- At 6:25p.m. Ms. Marsha Hinton, Chair, called the meeting to order. Ms. Hinton introduced and welcomed Board Members, Dr. Mary Jo Guercio, and Ms. Deborah L. Walker.
- Ms. Hinton presented Mr. Brian Matts with a proclamation for his great work as a CPRB Investigator. Mr. Matts was the Board's first Investigator, hired in the spring of 1998 and significantly contributed to the development of the Board's operational standards. Mr. Matts has transferred to the Bureau of Fire as a recruit in the October 2005 class.

*A motion to adopt the meeting minutes for July 26, 2005 was offered by Mr. Bingler, seconded by Mr. Bankston and approved unanimously.*

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

- Ms. Erin Dalton, Dr. Mary Jo Guercio and Ms. Deborah L. Walker were officially sworn-in by Mayor Murphy on September 13<sup>th</sup> in the Mayor's conference room. This is the first time since September 2002 that the Board has enjoyed a full complement of seven members.
- Ms. Pittinger distributed a report on members' terms. The terms of Ms. Hinton, Chair, and Members Carrington, Dalton, and Walker will expire on October 31, 2005. Ms. Hinton indicated her intention to discuss the situation with Mayor Murphy and seek an expeditious response to avoid any further hindrance of the Board's work due to vacancies.
- The Investigator's position vacated by Mr. Matts' departure will be posted through October 14<sup>th</sup>. Personnel and Civil Service will review the applications, determine their qualification, and create

a list of qualified applicants. Upon receipt of the list, Ms. Pittinger will schedule and conduct interviews. (Another position has been vacant since January 2004; the previous list of qualified applicants expired in October 2003.)

- Ms. Pittinger alerted the Board that they will observe an unusual delay in receiving complaints for review due to the sheer load of investigative work borne by Ms. Gamble as the sole Investigator. Due to union restraints, an “acting investigator” from within cannot be assigned. Citizens will not be directly affected when filing a complaint; however, they will experience a delay in the commencement of an active investigation.

### **Community/Miscellaneous Public Activity**

Two major upcoming events:

- Tuesday, October 4, 2005 @ 1:00pm: City Council scheduled a public hearing on the circumstances around the death of Jerry Jackson on April 6, 1995. Tim Stevens, President of the Black Political Empowerment Project (BPEP), Celeste Taylor and several others have advocated a public inquiry into the incident and its aftermath. The focus is alleged misconduct by police Commanders and officers resulting in a cover-up of facts related to the fatal encounter between Mr. Jerry Jackson and Housing Authority Police Officer John Charo in the Armstrong Tunnel. Ms. Pittinger has agreed to present the factual aspects of the incident. In 2001, the NAACP made a request made of the District Attorney, the U.S. Attorney’s Office and the F.B.I. involving the handling of the crime scene, evidence and testimony. At the time, all the parties declined.
- Wednesday, October 12, 2005 @ 7:00pm: Premiere of documentary, “*Enough is Enough: The Death of Jonny Gammage*” which memorializes the incident involving Mr. Jonny Gammage and suburban police. His death created a tremendous amount of concern and outrage among regional residents. The Merton Center initiated support for the creation of the documentary by Mr. Billy Jackson, NOMMO Productions. The film chronicles the public reaction to the death of Mr. Gammage, the officers’ trials and the ensuing campaign to create the CPRB in the City of Pittsburgh. The film will premiere simultaneously at four locations: Carnegie Lecture Hall, Oakland; The Carnegie Library, Homewood Branch; The Hill House Kaufmann Center, Hill District; and CCAC Allegheny Campus, North Side.

*(Case review follows)*

**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 Action Date: 9/27/05*

CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
<b><i>Public Hearings (1)</i></b>			
113-05-T Gamble	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O. acted inappropriately when responding to a neighborhood dispute.	Authorized a Public Hearing.
<b><i>Full Investigations (5)</i></b>			
73-05 Gamble ECP	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cxs allege that the S.O. acted inappropriately during a traffic.	Authorized a Full Investigation.
74-05 Gamble ECP	Conduct Unbecoming a Member (PBP 16-1, 3.6) Warrantless Searches & Seizures (PBP 45-2)	Cx. alleges that the S.O. acted inappropriately which caused a physical altercation between the two.	Authorized a Full Investigation.
76-05 Gamble ECP	Conduct Unbecoming a Member (PBP 16-1, 3.7) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O. refused to take a police report.	Authorized a Full Investigation.
108-05 Gamble ECP	Towing & Tow Pound Procedures (PBP 41-4) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that his vehicle was towed in error and that the S.O. was unable to complete the investigation.	Authorized a Full Investigation.
124-05 Matts ECP	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Truthfulness (PBP 16-1, 3.19) Motor Vehicle Stops (PBP 40-4)	Cx. alleges that he was threatened by the S.O. and issued an unwarranted citation.	Authorized a Full Investigation.

CPRB# / Investigator	Allegation	Summary	Reason
<b>30-Day Extension of Full Investigation (1)</b>			
391-04 Matts	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that she was mistreated during an accident investigation.	Authorized a 30-Day Extension.
<i>Others (11)</i>			
<u>10-02-W GAMBLE</u>	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).
<u>106-02 GAMBLE</u>	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).
<u>269-03 MATTS</u>	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).
<u>339-03 MATTS</u>	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).
<u>363-03 MATTS</u>	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.
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 possible reclassification of complaint.
<u>245-04 MATTS</u>	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.
05-05-T Gamble	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Property of Prisoners & Suspects (PBP 50-02)	Cx. alleges that the S.O.s used excessive force on her after she was arrested.	<b>Suspended Until Complainant's Court Hearing Date: 10/25/05.</b>
110-05 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 acted inappropriately when asking for directions.	<b>Suspended Pending Consideration of Possible Reclassification.</b>
<b><i>Dismissals (13)</i></b>			
<b><i>Unsustainable (4)</i></b>			
199-04 Gamble	Warrantless Searches & Seizures (PBP 45-2) 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 did not act appropriately during several incidents involving a neighborhood dispute.	Dismissed as Unsustainable.
349-04 Gamble	Warrantless Searches & Seizures (PBP 45-2) 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 failed to immediately call medics for his gunshot wounds.	Dismissed as Unsustainable.
03-05-T Gamble	Use of Force (S.O. #1, 2, & 3) (PBP 12-6) Obedience to Order &/or Laws (PBP 16-1, 3.1) (S.O. #1 & 2) Conduct Unbecoming a Member (All S.O.s) (PBP 16-1, 3.6)	The Cx. alleges that the S.O.s were unprofessional and used unnecessary force during a protest.	Dismissed as Unsustainable.

CPRB# / Investigator	Allegation	Summary	Reason
19-05-T Gamble	Motor Vehicle Stops (PBP 40-04) Warrantless Searches & Seizures (PBP 45-2)	Cx. alleges that the S.O.s searched him and his vehicle without consent.	Dismissed as Unsustainable.
<i>Unfounded (7)</i>			
438-04 Matts ECP	General Firearms Regulations (PBP 34-1)	Cx. alleges that the S.O.s violated the law by carrying their weapons while in an alcohol serving establishment.	Dismissed as Unfounded.
22-05 Matts ECP	Neglect of Duty (PBP 16-1,3.13)	Cx. alleges that the S.O.s neglected their duties by not taking a report of an incident.	Dismissed as Unfounded.
77-05-T Gamble	Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. would not allow him time to ask for directions.	Dismissed as Unfounded.
102-05 Matts ECP	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O.s violated his civil rights.	Dismissed as Unfounded.
104-05 Matts ECP	Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. accused him of loitering.	Dismissed as Unfounded.
161-05 Matts ECP	Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. embarrassed, harassed, humiliated, and intimidated him without provocation.	Dismissed as Unfounded.
162-05 Matts ECP	Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges that the S.O.s did not respond appropriately to his 911 call.	Dismissed as Unfounded.
<i>Withdrawal (2)</i>			
96-05 Gamble ECP	Self-Assigned Investigations (PBP 16-1, 3.47)) Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges that the S.O. acted inappropriately during a family dispute.	Accepted Complainant's request to withdraw.
134-05 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6) Warrantless Searches & Seizures (PBP 45-2)	Cx. alleges that the S.O.s stole a large sum of money from him.	Accepted Complainant's request to withdraw.
<i>Out of Jurisdiction (0)</i>			
<i>Lack of Cooperation (0)</i>			

\* 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.

**Public Comment:**

The Chair opened the meeting for public comment, limited to three minutes each, at this time. Mr. Harry Liller and Mrs. Celeste Taylor offered public comment to the Board.

**Next Meeting:**

The next regular meeting is scheduled for 6:00 p.m., Tuesday, October 25, 2005 at Mt. Washington Senior Center, 122 Virginia Avenue, Pittsburgh, PA 15211. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Rhonda J. Sears  
(As 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:** September 27, 2005  
**Re:** Executive Director's Report: September 27, 2005

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## 1. Intake as of September 27, 2005 (38 weeks):

- Citizen Complaints: 49      Pending Citizen Action: 205      Total Intake: 323
- Out of Jurisdiction: 55      Statute of Limitation: 14
  
- **Projection for 2005:**      **CC: 67; PCA: 281; OJ: 75; SL: 19 Total: 442)**
- (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 Appointments

Ms. Erin Dalton, Dr. Mary Jo Guercio and Ms. Deborah L. Walker, were officially sworn-in by Mayor Murphy at a ceremony on September 13<sup>th</sup> in the Mayor's conference room.

The Board enjoys a full complement of seven members, the first time since December 2002.

A summary report of impending term conclusions is attached for your information.

## 3. Staff

Mr. Matts was selected to join the next firefighter class and has transferred from the CPRB to the Bureau of Fire.

The Investigator's position is posted and will remain so through October 14<sup>th</sup>. Qualified applicants will be interviewed upon receipt of the civil service list.

## 4. Community/Miscellaneous Public Activity

- 7-28-05: Appeared with Tim Stevens in segment of Talking Pittsburgh, WPXI-Ch.11
- 8-2-05: Members Guercio & Walker approved by Council
- 8-20-05: Anti-recruitment demonstration in Oakland resulted in policy issue regarding crowd control/management of protected activity, use of TASER and K-9.

- 8-23-05: Night Talk with Ann Devlin: appeared with Councilman Doug Shields & Atty. Mike Healy – discussion on August 20<sup>th</sup> incident.
- 8-27-05: Anti-recruitment demonstration observed by Rhonda Sears
- 9-6-05: Attended opening of the Citizen Police Academy
- 9-9-05: Partners in Justice meeting on MH Courts (Matts & Gamble)
- 9-10-05: Community Discussion at The Nuin Center
- 9-11-05: Observed candlelight anti-war march in Oakland led by Cindy Sheehan.
- 9-12-05: Observed anti-recruitment demonstration in Oakland.
- 9-13-05: Attended Council recognition of Tom Doswell. Attended Swearing-in ceremony for Members Dalton, Guercio and Walker
- 9-14-05: Participated in a City Council post-agenda meeting regarding the August 20<sup>th</sup> incident in Oakland, use of TASERS, and related police policy.
- 9-17-05: Participated in panel discussion with Wrenna Watson and Tim Stevens - hosted by Ms. Walker and her Community Relations class at Point Park College.
- 9-21-05: Met with community advocates regarding City Council's public hearing into Jerry Jackson's homicide in the Armstrong Tunnel on 4-6-1995.

## 5. Public Hearings

Respectfully request that three members be appointed to conduct hearings in the month of November.

*Elyah C. Pittinger*