



CITIZEN POLICE REVIEW BOARD

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Approved
& Adopted
3/28/2006

**Minutes of the CPRB Meeting Held on February 28, 2006
Council Chambers, 510 City-County Building
Pittsburgh, PA 15219**

Members Present: Mr. Richard M. Carrington, Vice Chair
Ms. Erin Dalton
Ms. Mary Jo Guercio
Ms. Deborah Walker

Excused: Ms. Marsha Hinton, Chair
Mr. John H. Bingler, Jr., Esq.
Mr. Malik G. Bankston

Solicitor: Mr. William F. Ward, Esq.

Vacancies: None

Staff Present: Ms. Elizabeth C. Pittinger, Exec. Dir.
Ms. Michelle Gamble
Ms. Tamara Leftcowitz
Ms. Rhonda Sears

Excused: Ms. Phyllis B. Bianculli

Administrative Matters:

- At 6:15 p.m. Mr. Carrington, Vice Chair, called the meeting to order.
- *A motion to adopt the meeting minutes for January 24, 2006 was offered by Ms. Dalton, seconded by Ms. Guercio, and approved unanimously.*

Executive Director's Report: (Attached and made part of the meeting record)

- Total Intake as of 2/28/06 is reported as 76. The number rose to 88 prior to the Board meeting. We are ahead of last year's Intake at this time of year by 57%.
- Mrs. Bianculli attended the South Side Community Council Crime Prevention meeting on February 27, 2006 at the Brashear Center, South Side. The community has seen an increase in quality of life crimes. In particular, there was wide concern about an alleged murder and belief that the police weren't being candid with the neighbors. In fact, the incident was a suicide and was under police investigation.
- The members discussed the meeting of Councilwoman Carlisle, Ms. Walker, and Pittinger. Pittinger offered a recommendation that the Board sponsor several meetings around the City to accept comment on police related public safety concerns and include the Councilwoman as Chair of Council's Public Safety Committee and the Chief of Police.
 - Mr. Carrington suggested contacting Community College for assistance.
 - Ms. Dalton stated that the RAND Corporation has allocated money to start a policy center and facilitate policy forums on issues like Racial Profiling, Search & Seizures, etc. Ms. Dalton noted that we may be interested in their project, and they may be interested in our role in the community. Also, she feels the Board should notify the media of impending public hearings.

Pittinger noted that all hearings are preceded by media advisories. Experience has shown that media interest varies according to who the parties are and the nature of the allegations.

Ms. Hinton previously requested a courtesy meeting with Mayor O'Connor and is awaiting a time and date.

Case Review

Mr. Carrington moved to the case review portion of the meeting. Copies of the case agenda were available to the public. 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: 2/28/06

Case Review Agenda

| CPRB# / Investigator | ALLEGATION | SUMMARY | REASON |
|---------------------------------|--|---|---|
| Public Hearings (0) | | | |
| FULL INVESTIGATIONS (14) | | | |
| 14-05 Gamble ECP | Neglect of Duty (PBP 16-1, 3.13) Warrantless Search and Seizure (PBP 45-2) | Cx. alleges the Subject Officer unnecessarily made a forced entry into his property and searched through his belongings. | Authorized Full Investigation |
| 17-05 Gamble ECP | Obedience to Orders &/ or Laws (PBP 16-1, 3.1) Conduct Toward the Public (PBP 16-1, 3.7) | Cx. alleges that the S.O. acted inappropriately towards a group of juveniles. | Authorized Full Investigation. |
| 51-05 Gamble ECP | <u>Incident #1:</u> Obedience to Orders &/ or Laws (PBP 16-1,3.1) Neglect Of Duty (PBP 16-1,3.13) <u>Incident #2:</u> Warrantless Search & Seizure (PBP 45-2) Conduct Unbecoming a Member (PBP 16-1, 3.6) Obedience to Orders &/ or Laws (PBP 16-1, 3.1) | <u>Incident #1:</u> Cx. alleges the S.O.'s arrested her for fighting and neglected to arrest the other party involved. <u>Incident #2:</u> Cx. alleges the S.O.'s 302'd and TASED her without cause. | Authorized Full Investigation. |
| 69-05 Lefcowitz | Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Use of Force (PBP 12-6) | Cox. alleges the S.O's attacked the Victim while arresting him for robbery. | Authorized Full Investigation. Dismissed Charges against S.O.'s #1, #3 & #4 |

| CPRB# / Investigator | ALLEGATION | SUMMARY | REASON |
|---------------------------------|---|--|--------------------------------|
| 90-05 Lefcowitz ECP | Use Of Force (PBP 12-6) Neglect Of Duty (PBP 16-1,3.13) Property of Prisoners & Suspects- General Regulations (PBP 50-2) | Cx. alleges the S.O.'s attacked her, falsely arrested her, and stole her jewelry. | Authorized Full Investigation. |
| 171-05 Gamble ECP | Conduct Unbecoming a Member (PBP 16-1, 3.6) Truthfulness (PBP 16-1, 3.19) | Cx. alleges the S.O. framed him for a crime then lied in court about the incident. | Authorized Full Investigation. |
| 194-05 Lefcowitz ECP | Use Of Force (PBP 12-6) | Cx. alleges the S.O.'s hit him with their vehicle then physically attacked him. | Authorized Full Investigation. |
| 216-05 Lefcowitz ECP | Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) | Cx. alleges the S.O. yelled obscenities at her and inquired about her identity at another time. | Authorized Full Investigation. |
| 228-05 Gamble ECP | Conduct Towards the Public (PBP 16-1, 3.7) | Cx. alleges the S.O.s entered his residence for a domestic dispute without permission. | Authorized Full Investigation. |
| 240-05 Lefcowitz ECP | Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) | Cx. alleges the S.O. used his K-9 partner to intimidate senior citizens. | Authorized Full Investigation. |
| 292-05 Lefcowitz ECP | Conduct Towards the Public (PBP 16-1, 3.7) Towing and Tow Pound Procedures (PBP 41-4) | Cx. alleges the S.O.'s would not allow his vehicle to be towed by his choice of towing companies. | Authorized Full Investigation. |
| 342-05 Gamble ECP | Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Devoting Entire Time To Duty (PBP 16-1, 3.15) | Cx. alleges the S.O. confronted her because she has made noise complaints about the S.O.'s daughter. | Authorized Full Investigation. |
| 374-05 Lefcowitz ECP | Conduct Toward the Public (PBP 16-1, 3.7) Neglect of Duty (PBP 16-1, 3.13) | Cx. alleges the S.O. was unprofessional while he was making a complaint about illegal parking. | Authorized Full Investigation. |
| 402-05 Lefcowitz/ Gamble ECP | Use of Force (PBP 12-6) TASER (PBP 12-13) Conduct Towards the Public (PBP 16-1, 3.7) | Cx. alleges the S.O. TASED him several times while he was trying to flee the area. | Authorized Full Investigation. |

30-DAY EXTENSION OF FULL INVESTIGATION (0)

OTHERS (9)(STATUS INFO ONLY)

| CPRB# / Investigator | ALLEGATION | SUMMARY | REASON |
|----------------------|---|---|--|
| <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). |
| 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. |
| 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. | Suspension Occurred: 12/6/05 Complainant's Court Hearing Date: 2/15/06 |

| CPRB# / Investigator | ALLEGATION | SUMMARY | REASON |
|--------------------------------|---|--|--|
| 87-05 Gamble | Conduct Unbecoming a Member (PBP 16-1, 3.6) Juvenile Policy-Regulations and Procedures (PBP 43-10) | Cx. alleges that the S.O.s acted inappropriately after falsely arresting the Victim. | Continue Suspension: Pending S.O. #2's return from disability. |
| 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. | Suspension Occurred: 10/25/05. Pending possible reclassification of complaint. |
| DISMISSALS (3) | | | |
| UNSUSTAINABLE (1) | | | |
| 124-05 Matts/ Gamble | 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. | Dismissed as Unsustainable. |
| UNFOUNDED (2) | | | |
| 238-05 Lefcowitz ECP | Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) | Cx. alleges the S.O. used his K-9 partner to intimidate senior citizens. | Dismissed as Unfounded. |
| 265-05 Gamble ECP | Obedience to Orders &/ or Laws (PBP 16-1, 3.1) Conduct Toward the Public (PBP 16-1, 3.7) | Cx. alleges that he was racially profiled and discriminated against by the S.O. | Dismissed as Unfounded. |
| WITHDRAWAL (1) | | | |
| 262-05 Gamble ECP | Motor Vehicle Stops (PBP 40-4) | Cx. alleges that the S.O.s issued him a citation when the traffic light was malfunctioning. | Accepted the Cx.'s Request to Withdrawal. |
| OUT OF JURISDICTION (0) | | | |
| LACK OF COOPERATION (1) | | | |
| 74-05 Gamble | 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. | Dismissed Due to Cx.'s lack of Cooperation. |

* 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 retains final disposition on these “new” cases.

NOTE: The staff made a request to move cases 240-05 and 374-05 from Full Investigations to Dismissals (Unfounded). The Board accepted the staff's recommendation Board Members indicated that they want the public hearing on rude & discourteious conduct to be scheduled.

Public Comment:

The Chair opened the meeting for public comment limited to three minutes each, at this time. No public comment was offered.

Next Meeting:

The next regular meeting is scheduled for 6:00 p.m., Tuesday, March 28, 2006 at Hazelwood Senior Center, 5344 Second Avenue, Pittsburgh, PA 15207. The meeting was adjourned at 7:03 p.m.

Respectfully submitted,

/s/ Rhonda J. Sears

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

Attachment: Executive Director's Report w/ attachment

Memorandum

To: Ms. Marsha V. Hinton, Chair
Honorable Members of the Board
From: Elizabeth C. Pittinger
Executive Director
Date: February 28, 2006
Re: Executive Director's Report: February 28, 2006

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1. Intake as of 2/27/06 (8 weeks):

- Citizen Complaints: 13 Pending Citizen Action: 46 Total Intake: 76
- Out of Jurisdiction: 17 Statute of Limitation: 00

- (Projection for 2006: CC: 85; PCA: 299; OJ: 110; SL: 00 Total: 494)
- (Actual Totals for 2005: CC: 59; PCA: 284; OJ: 70; SL: 18 Total: 431)
- (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. Community/Miscellaneous

- Meeting with Councilwoman Carlisle
 - a) Ms. Deborah Walker and Pittinger met with Councilwoman Twanda Carlisle on 1/25/06 at Ms. Carlisle's request in her capacity of Chair, Council's Public Safety Committee. Discussion included previous policy recommendations by the Board to the former administration and current issues related to police deployment. It was agreed that regular meetings with Ms. Carlisle, Chief Costa, and Pittinger might be a worthwhile endeavor.
 - b) Defer to Ms. Walker for a further report on the meeting.
 - c) Pittinger recommends that the Board consider sponsoring a series of 4 - 6 public meetings around the City at which Chief Costa, Ms. Carlisle, and the Board would collectively receive public comment on the state of police/community relations.
 - a. The Board may wish to include a representative from the Pittsburgh Board of Education and school police. Subsequent to those meetings, a compendium comprised of each represented entity's perspective with correlated allocation of problem-solving expectations, authority and responsive action plan designed to address the respective issues. The parties would have to form a working committee which would then produce a master plan to assure cooperation and coordination among the various entities.

b. To preserve your independence, I don't think it appropriate to assign any "problem-solving" tasks to the Board, other than those already specified in your mandate.

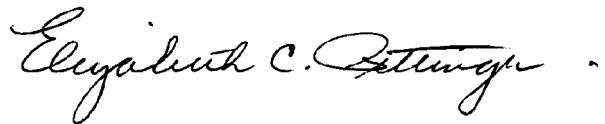
- Meeting with Mayor O'Connor:
 - a) Ms. Hinton has requested a courtesy meeting with Mayor O'Connor.

3. Retreat:

- **Looking for Board availability after 3/22/06:**
 - a) **Saturdays: 3/25 – 4/1 – 4/8 – 4/22 – 4/29 – 5-6**
(Dr. Guercio not available Saturday p.m. in April ??)
- We will replicate the aborted plan for 2/11: 9:30 a.m. – 1:30 p.m. with catered breakfast & lunch at the Kingsley Center (if available). Dr. Burkoff has agreed to participate if available. Chief Costa indicated that he would like to join us if available.
- Information on the following will be presented at the Board retreat:
 - History, significant events, litigation
 - Evaluating evidence and credibility
 - Operational role of the CPRB
- If members have any other interests or suggestions regarding the above, please advise Pittinger as soon as possible.

4. Preliminary 2005 complaint summary

- A copy of the summary information for complaints received in 2005 is attached.



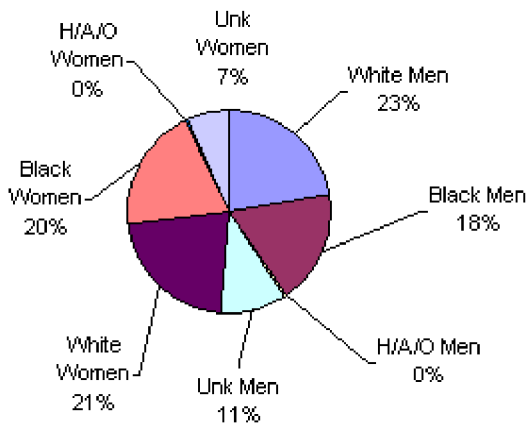
2/28/06

Attachment: CPRB – DRAFT FINAL Report Summary Page 1

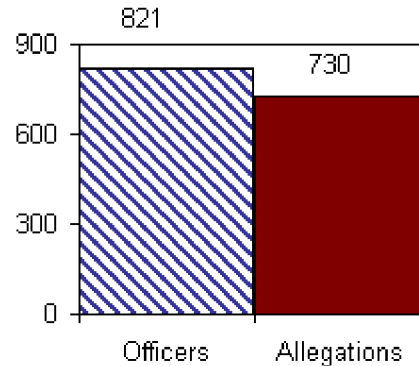
| Gender: | # Allegations | % of All Allegations |
|-------------------------|---------------|----------------------|
| Men | 376 | 51.5% |
| Women | 354 | 48.5% |
| Total Gender: | 730 | 100.0% |
| Gender Unknown: | 0 | 0.0% |
| Grand Tot Gender | 730 | |
| Declared Race: | | |
| White | 320 | 43.8% |
| Black | 278 | 38.1% |
| H/A/O | 5 | 0.0% |
| Tot Known Race: | 603 | 82.6% |
| UNK R/G | 127 | 17.4% |
| Grand Tot Race | 730 | |

| Race/Gender | ## Allegations | % of Gender | % of all Allegations |
|--------------------|----------------|-------------|----------------------|
| White Men | 164 | 43.6% | 22.5% |
| Black Men | 131 | 34.8% | 17.9% |
| H/A/O Men | 3 | 0.8% | 0.4% |
| Unk Men | 78 | 20.7% | 10.7% |
| Tot Men | 376 | 100.0% | 51.5% |
| White Women | 156 | 44.1% | 21.4% |
| Black Women | 147 | 41.5% | 20.1% |
| H/A/O Women | 2 | 0.6% | 0.3% |
| Unk Women | 49 | 13.8% | 6.7% |
| Tot Women | 354 | 100.0% | 48.5% |
| UNK Gender | 0 | 0.0% | 0.0% |
| Grand Total | 730 | | 100.0% |

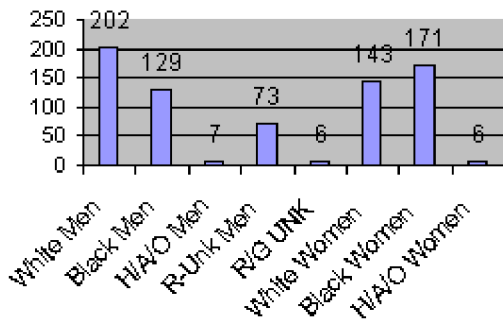
Race/Gender Summary of All



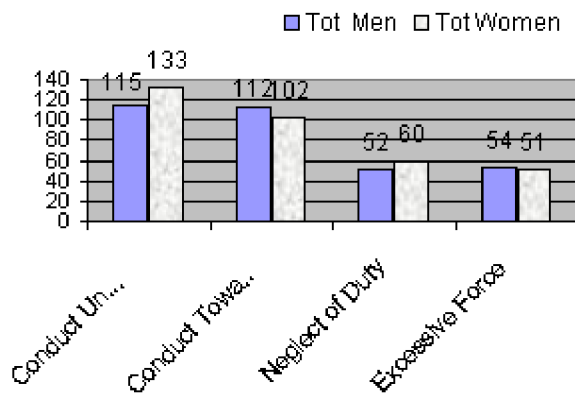
Ratio of Allegations to Officers



Number of Allegations by R/G 2005



Top 4 Monitored - Gender



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