



CITIZEN POLICE REVIEW BOARD

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Draft for
Board
action
4/25/06

Minutes of the CPRB Meeting Held on March 28, 2006
Hazelwood Senior Center
5344 Second Avenue
Pittsburgh, PA 15207

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

Excused: None
Vacancies: None

Solicitor: Mr. William F. Ward, Esq.

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 6:38 p.m. Ms. Hinton, Vice Chair, called the meeting to order. (Delayed access to building caused meeting to begin later than scheduled.)
- A motion to adopt the meeting minutes for February 28, 2006 was offered by Mr. Bankston, seconded by Mr. Carrington, and approved unanimously.
- Ms. Hinton reported that Ms. Pittinger will try to combine a meeting with the Mayor and Chief of Police.

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

- Board members received the Statement of Financial Interests issued by the State Ethics Commission to complete and file with the City Clerk by May 1, 2006. A video presentation of the State Ethics Commission training seminar is available for viewing in the City Law Department: Friday, April 7 10:00 am – Noon and Monday, April 17 2:00 – 4:00- pm in the Conference Room 2. We may be able to borrow the film and show it at the educational retreat.
- Board members commenced a discussion on reports of an increase of fatalities in taser related incidents. Members expressed a perception that it appears generally that the use of OC spray has declined and the use of TASER has increased. The members expressed concern about guidelines around the use of TASER, the age limits imposed, and whether the reported increase in fatalities is attributed to TASER as cause, remains proportional to the use of TASER, or if some other factor is influencing the increase. Ms. Pittinger will research the issue and report back to the Board.

- The Board discussed the rumored intention of Chief Costa to eliminate the 60 college-credit requirement for police applicants. Pittinger reported that the Chief has indicated that the requirement negatively impacts recruitment of African Americans. The Board's report in 2002 dispelled that argument against the credit requirement for non-whites and women, and offered many recommendations to assist the PBP with recruitment and retention efforts.

Mr. Bankston inquired as to the standards for professional police accreditations. It was noted that the former administration had misled the public and City Council into believing that the PBP was actively engaged in attainment of the Commission on Accreditation for Law Enforcement Agencies' (CALEA) accreditation. It was noted that in 1996, former City Council Member Valerie MacDonald authored legislation that was passed which required the PBP to acquire CALEA accreditation.

The Board expressed interest in pursuing the matter of accreditation and becoming familiar with the standards and procedure. Ms. Walker suggested contacting the Housing Authority for the City of Pittsburgh (HACP) for information as she recalled that they had been accredited, although the status of that accreditation is unknown at this time. Pittinger has the CALEA material and will report back to the Board in April.

Case Review

Ms. Hinton 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: 3/28/06

CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
Public Hearings (0)			
FULL INVESTIGATIONS (3)			
415-05 Gamble	Obedience to Orders &/ or Laws (PBP 16-1, 3.1) Conduct Unbecoming a Member (PBP 16-1, 3.6) Neglect Of Duty (PBP 16-1,3.13)	Cx. alleges S.O. #1 failed to help him regain ownership of inventory that was stolen from his store. S.O.'s #2 & #3 failed in supervising S.O. #1.	Authorized Full Investigation.
417-05 Lefcowitz	Use of Force (PBP 12-6) Conduct Toward the Public (PBP 16-1, 3.7) Warrantless Search & Seizure (PBP 45-2)	Cx. alleges the S.O.'s detained, searched and physically assaulted the Victim, who was mistaken for someone else.	Authorized Full Investigation; Dismiss charges against S.O. #2, #3, & #4.
01-06-S Gamble	Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges the S.O.s let an uninsured driver go after he wrecked into the Cx.'s vehicle.	Authorized Full Investigation.

30-DAY EXTENSION OF FULL INVESTIGATION (3)

CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
342-05 Gamble	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 a 30 Day Extension.
402-05 Lefcowitz/ Gamble	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 a 30 Day Extension.

Others (11)

<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>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).
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: 01/25/05 (Pending re-evaluation by the Executive Director).

51-05 Gamble	Obedience to Orders &/ or Laws Incident #1 & #2 (PBP 16-1,3.1) Neglect Of Duty Incident #1 (PBP 16-1,3.13) Warrantless Search & Seizure Incident #2 (PBP 45-2) Conduct Unbecoming a Member	<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.	Suspended Pending the Co.'s Court Hearing and S.O. #3's return from military leave. Dismiss Charges against S.O. #1 for Incident #1. (Amended charges to be filed against S.O.#1 a later time by Executive Director)
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	Incident #2 (PBP 16-1, 3.6)		
CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
RECLASSIFICATION SUSPENSIONS (5)			
97-04 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. was rude to him while he was having his vehicle towed.	Suspension Occurred: 8/4/04 Pending consideration of possible reclassification.
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.
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.
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. (All charges were unfounded for: S.O. #2).

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.
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DISMISSALS (11)

UNSUSTAINABLE (3)

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.	Dismissed As Unsustainable.
14-05 Gamble	Neglect of Duty (PBP 16-1, 3/13) Warrantless Search & Seizure (PBP 45-2)	Cx. alleges the S.O. made a forced entry into his building and caused plumbing damage.	Dismissed As Unsustainable.
17-05 Gamble	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.	Dismissed As Unsustainable.

UNFOUNDED (5)			
90-05 Lefcowitz	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.	Dismissed As Unfounded.
171-05 Gamble	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.	Dismissed As Unfounded & Due to the Cx.'s lack of Cooperation.
228-05 Gamble	Conduct Towards the Public (PBP 16-1, 3.7)	Cx. alleges the S.O.s entered his residence for a domestic dispute without permission	Dismissed As Unfounded.
272-05 Lefcowitz ECP	Obedience to Orders &/ or Laws (PBP 16-1, 3.1) Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges S.O. #1 acted inappropriately when she was stopped for driving a stolen vehicle. S.O. #2 did not read the Miranda warning to her.	Dismissed As Unfounded. (Previous charges against S.O. #1 & #2 were dismissed during P.I.)
292-05 Lefcowitz	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.	Dismissed As Unfounded.

WITHDRAWAL (0)			
OUT OF JURISDICTION (0)			
LACK OF COOPERATION (3)			
194-05 Lefcowitz	Use Of Force (PBP 12-6)	Cx. alleges the S.O.s hit him with their vehicle then physically attacked him.	Dismissed Due to the Cx.'s lack of Cooperation.
206-05 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. was rude while responding to an accident scene.	Dismissed Due to the Cx.'s lack of Cooperation.
216-05 Lefcowitz	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.	Dismissed Due to the 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 you retain final action on these “new” cases.

Public Comment:

The Chair opened the meeting for public comment limited to three minutes each; no public comment was offered.

Next Meeting:

The Chair announced that the next regular meeting is scheduled for 6:00 p.m., Tuesday, April 25, 2006 in City Council Chambers, 510 City-County Building, Pittsburgh, PA 15219.

The meeting was adjourned at 7:21 p.m.

Retreat:

The educational retreat is tentatively scheduled for Saturday, May 20, 2006 at the Kingsley Community Center, 6435 Franktown Avenue, Pittsburgh, PA 15206 from 9:00 am – 2:00 pm.

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: March 27, 2006
Re: Executive Director's Report: March 28, 2006

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1. Intake as of 3/27/06 (12 weeks):

- Citizen Complaints: 20 Pending Citizen Action: 71 Total Intake: 117
- Out of Jurisdiction: 25 Statute of Limitation: 01 (+ 41 since 2/27/06)

- (Projection for 2006: CC: 87; PCA: 308; OJ: 108; SL: 04 Total: 507)
- (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. Administrative Matters

- Continuing to acquire authorization to fill the FT Investigator and FT Investigative Associate vacancies. Action is pending approval from the Mayor's office of Budget & Management.

- 3/14/06: Pittinger met with City Solicitor Susan Malie, OMI Director Kathy Kraus, and Board Solicitor Ward regarding OMI compliance to CPRB subpoenas. The meeting clarified Board policy regarding time limitations applied to complaint filings. Additionally, the parties agreed to continue discussions around other matters affecting the CPRB's access to information.

- 3/18/06: Anti-war demonstration and march from East Liberty to Oakland was sponsored by the Thomas Merton Center. All CPRB staff attended as observers. Citizen organizers and participants have expressed displeasure at the abundance of police and the riot attire of many officers.
 - a) The police agencies observed included city (full range), county/mounted, sheriff (deputies & canine), university (CMU & Pitt) and state police. City SERT was deployed to protect the entrance to the military recruiting center after protective barrier fences were knocked down by protestors and a window was allegedly broken.

 - b) We know of one arrest and it was peaceful.

- c) Pittinger conveyed to Assistant Chief Harper a concern that several patrol officers appeared to have deliberately concealed their identity when they scrambled to secure the entrance to the recruitment center prior to SERT arrival.
- d) Pittinger also noted that SERT officers do not wear any personally identifying information. If the PBP adopts this practice (as is a national trend for SERT/SWAT) and a complaint is made regarding a SERT action, we will have to indict the entire team that was deployed. Harper & Pittinger will come to some resolution on the issue.

- **RAND Center for Quality Policing (CQP)**

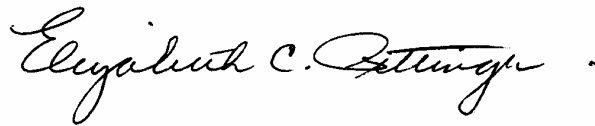
- a) The RAND Corporation has established the CQP at 201 Craig Street, Suite 202. Ms. Dalton mentioned this endeavor at the 2/2006 Board meeting.
- b) The CQP promises to assist local police agencies with research-based information designed to help improve the efficiencies and effectiveness of the operational decisions faced by police administrators.
- c) Pittinger has had contact with Dr. Jeremy Wilson, provided letters of support and a brief oral history of the PBP/consent decree/FOP/CPRB/CPRB litigation. Apparently, the PBP has been very cooperative in several meetings with CQP staff.
- d) We have agreed to schedule a meeting with CQP police in the near future.

3. Retreat

Please note the following Saturday dates and select one for the Board retreat:

• 4/22/06	• 5/6/06
• 4/29/06	• 5/13/06

Respectfully submitted,



3/27/06