



CITIZEN POLICE REVIEW BOARD

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Approved
5/23/06

Minutes of the CPRB Meeting Held on April 25, 2006 Council Chambers, 510 City-County Building Pittsburgh, PA 15219

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

Excused: Mr. Malik G. Bankston
Mr. John H. Bingler, Jr., Esq.

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 6:25 p.m. Mr. Carrington, Vice Chair, called the meeting to order.
- *A motion to adopt the meeting minutes for March 28, 2006 was offered by Ms. Dalton, seconded by Mr. Carrington, and approved unanimously.*
- The educational retreat is scheduled for Saturday, May 20, 2006 at the Kingsley Community Center, 6435 Franktown Avenue, Pittsburgh, PA 15206 from 9:00 am – 2:00 pm.
- Ms. Hinton reported that she and Ms. Pittinger plan to meet with the Mayor and Chief of Police.

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

- In response to the Board's concerns regarding the continued efficacy of TASER, Ms. Pittinger reported that she is researching the increase of nationally reported deaths occurring in temporal proximity to TASER exposure.
- TASER was deployed by the PBP in late 2004 and it was used only 5 times in 2004. Review of the first year of TASER deployment (2005) by the PBP revealed an effective deployment in terms of significantly fewer injuries to officers and subjects involved in use of force encounters. In contrast, there has been a 75% decrease in the use of OC Spray. It is Pittinger's impression that in Pittsburgh, TASER has not been deployed with enough frequency to have reached the threshold of expectation for a serious adverse event. Hospital visits by suspects soared in 2005, however, that increase is not alarming as it correlates to the use of TASER as every successful TASER deployment requires the affected party to be evaluated for an adverse event by a hospital's medical personnel.

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: 4/25/06

Case Review Agenda

CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
<i>Public Hearings (1)</i>			
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, while on duty, because she has made noise complaints about the S.O.'s daughter.	Dismissed – Accepted OMI's disposition as adequate.
FULL INVESTIGATIONS (6)			
15-06 Lefcowitz	Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O.s were threatening and used inappropriate language when they entered her home.	Authorized Full Investigation.
21-06-S Lefcowitz	Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges the S.O. neglected to investigate the offender in her hit-n-run case.	Authorized Full Investigation.
23-06 Gamble	Truthfulness (PBP 16-1, 3.19)	Cx. alleges the S.O. perjured himself while testifying at the Cx.'s trial.	Authorized Full Investigation.
67-06 Gamble	Obedience to Orders & or Laws, (PBP 16-1, 3.7) Conduct Toward the Public (PBP 16-1, 3.7) Warrantless Search & Seizure (PBP 45-2) Safe Handling of Firearms (PBP 12-7, 5.1) Motor Vehicle Stops (PBP 40-4, 6.0 & 7.0)	Cx. alleges the S.O. pulled his weapon out for a traffic stop, and then searched him and his vehicle for no reason.	Authorized Full Investigation; Dismiss Warrantless Search & Seizure Charge)
70-06-S Gamble (Companion Case to 72-06-S)	Conduct Unbecoming a Member, (PBP 16-1, 3.6) Use of Force, (PBP 12-6) Truthfulness, (PBP 16-1, 3.19)	Cx. alleges the S.O.'s K-9 partner bit her during an anti-recruitment rally and the S.O. later lied about the circumstances in court.	Authorized Full Investigation.
72-06-S Gamble	Conduct Unbecoming a Member, (PBP 16-1 3.6) Use of Force, (PBP 12-6) Pepper & Aerosol Restraint Spray, (PBP 12-9) Taser, (PBP 12-13)	Cx. alleges the PBP used unnecessary force during demonstration protesting the war.	Authorized Full Investigation.

CPRB#/ INVESTIGATOR	ALLEGATION	SUMMARY	REASON
30-DAY EXTENSION OF FULL INVESTIGATION (2)			
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) Truthfulness (PBP 16-1, 3.19)	Cx. alleges S.O. #1 did not thoroughly investigate his case and S.O.s #2 & #3 did nothing about it.	Authorized a 30-Day Extension (Dismiss charges against S.O. #2)
417-05 Lefcowitz	Conduct Toward the Public (PBP 16-1, 3.7) Use of Force (PBP 12-6) 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 a 30 Day Extension. (3/28/06 Bd. Meeting charges were dismissed against S.O.s #2, #3 & #4)
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).

CPRB#/ INVESTIGATOR	ALLEGATION	SUMMARY	REASON
42-04 Matts (Gamble)	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (16-1, 3.7) Warrantless Searches & Seizures (PBP 45-2)	Cx. alleges the S.O.s used unnecessary for against him after he had stopped his vehicle to look for an address.	Suspension Occurred: 02/22/05 (Pending receipt of S.O. statements)
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 Incident #2 (PBP 16-1, 3.6)	<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.	Suspension Occurred: 03/28/06 (Pending the Cx.'s Hearing & S.O. #3's on military leave.) <u>Note:</u> Charges were dismissed against S.O. #1 for Incident #1. Amended charges to be filed against S.O. #1 a later time by Executive Director.
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.	Suspension Occurred: 1/24/06 Pending S.O. #2's return from disability.
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.
DISMISSALS (4)			
UNSUSTAINABLE (2)			
59-04 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.s arrested him because he was previously arrested for drugs.	Dismiss As Unsustainable.
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)	Cx. alleges the S.O.s attacked the Victim while arresting him for robbery.	Dismiss As Unsustainable.
UNFOUNDED (2)			
CPRB #/ INVESTIGATOR	ALLEGATION	SUMMARY	REASON
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.	Dismiss As Unfounded.
20-06-S Lefcowitz	Conduct Toward the Public (PBP 16-1, 3.7) Incompetence (PBP 16-1, 3.12) Neglect of Duty (PBP 16-1, 3.13)	Cx. alleges the S.O. were unprofessional and incompetent when responding to an armed robbery call.	Dismiss As Unfounded.
WITHDRAWAL (0)			
OUT OF JURISDICTION (0)			
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.

Public Comment:

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

Next Meeting:

Ms. Hinton announced that the retreat will be scheduled for Saturday, May 20, 2006, 9:30 – 1:30 p.m. at Kingsley Association, 6435 Frankstown Avenue, Pittsburgh, PA 15206.

Ms. Hinton also announced that the next regular meeting is scheduled for 6:00 p.m., Tuesday, May 23, 2006 in City Council's Chamber, 5th Floor, City County Building, 414 Grant Street, Pittsburgh, PAS 15219

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

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

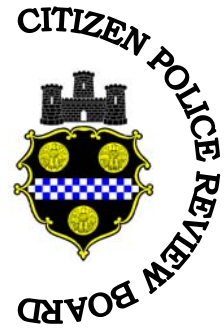
Attachments: Executive Director's Report
Memo on Police Accreditation

MEMORANDUM

To: Ms. Marsha V. Hinton, Chair
Honorable Members of the Board
From: Elizabeth C. Pittinger
Executive Director
Date: April 25, 2006
Re: Executive Director's Report: April 25, 2006

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1. Intake as of 4/24/06 (16 weeks):

- Citizen Complaints: 26 Pending Citizen Action: 94 Total Intake: 150
- Out of Jurisdiction: 29 Statute of Limitation: 01
- *(Projection for 2006: CC: 85; PCA: 306; OJ: 94; SL: 03 Total: 488)*
- (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. Accreditation

- At the March meeting, discussion about the 60- college credit pre-requisite qualifications for City police applicants led Mr. Bankston to opine that the requirement seemed to be relative to an effort toward “professionalizing” the Bureau of Police. Discussion turned to other measures of professionalism such as accreditation. Members requested further information on the accreditation process.
- Attached is a briefing memo and copies of the standard citations for the Pennsylvania Law Enforcement Accreditation Commission (PLEAC) and the Commission on Accreditation of Law Enforcement Agencies (CALEA).

3. TASER

- At the March meeting, members expressed concern with the increase of reported deaths occurring in temporal proximity to TASER exposure. Accordingly, members asked that Pittinger re-examine the controversy in the local context as well as perusing information available globally to advise members if the increase in fatalities appears proportional to increased police use, if the characteristics of the high-risk population have changed, and whether continued use of TASER remains advisable for the City of Pittsburgh.
- TASER was deployed by the PBP in late 2004 and it was used only 5 times in 2004. Review of the first year of TASER deployment (2005) by the PBP revealed an effective deployment in terms of significantly fewer injuries to officers and subjects involved in use of force encounters. The anticipated reduction in the use of OC

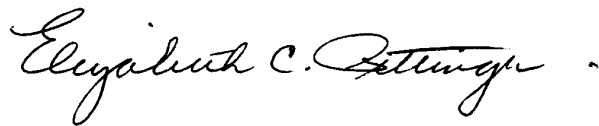
Spray was also apparent, as was the reduction of other modes of police applied force. As with any use of force by police, the presumption that the force was necessary and reasonable is extended until each incident is thoroughly analyzed and corroborated by the set of known facts. Pittinger is unaware of any deaths following TASER exposure in the City of Pittsburgh. Statistically however, the number of deployments may not yet have reached the threshold of expectation of an adverse event.

- From various sources, including the Internet, Pittinger has culled numerous technical reports on the biomedical effects of TASER, advocacy position papers, manufacturers' material, news articles and police guidelines issued by the Department of Justice, the Police Executive Research Forum (PERF) and the International Association of Chiefs of Police (IACP).
- A full report will be provided at the May meeting.

4. Retreat

The retreat is scheduled for Saturday, May 20, 2006, 9:30 a.m. – 1:30 p.m. at the Kingsley Association. Morning snacks and lunch will be provided. Dr. Burkoff will attend and the Mayor and Chief Costa will be invited. (*An ironic coincidence: the referendum creating the Board appeared on the May 20, 1997 ballot...nine years ago!*)

Respectfully submitted,



4/25/06

Attachments: PLEAC Standards of Accreditation
CALEA Standards of Accreditation

Memorandum

To: Ms. Hinton, Chair
Members of the Board
From: Beth Pittinger
Date: 4/21/06
Re: Police Accreditation Information

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In 1996, City Council amended the City Code, Title One, Administration, Article III, Organization, Chapter 116, Department of Public Safety, Section 116.02, Powers and Duties of Bureau Chiefs by adding subsection (d):

§ 116.02 POWERS AND DUTIES OF BUREAU CHIEFS.

The Chiefs of the respective bureaus of the Department of Public Safety shall have the following powers and duties:

- (a) The care, management, administration and supervision of police, fire, emergency medical forces and the City's emergency communication system;
- (b) The enforcement of the building, fire prevention and business licensing laws;
- (c) The providing of educational programs concerning police, fire and emergency medical matters to the general public; and

(d) The oversight of the Police Force accreditation process, the supervision of the accreditation manager and related staff or committee, and the assurance of attainment of police accreditation and continued reaccreditation.

(Ord. 1-1985, eff. 1-1-85; Am. Ord. 29-1996, eff. 10-23-96; Am. Ord. 1-1998, eff. 2-13-98)

Attachment #1 is a copy of a categorical listing of the Standards for Law Enforcement Agencies adopted by the Commission on Accreditation of Law Enforcement Agencies (CALEA). The elements of each standard are provided, though the interpretive guidance is not included in this distribution. This is an internationally recognized accreditation.

There is also a Pennsylvania Law Enforcement Accreditation Commission (PLEAC) that bestows an accreditation at the state level. The PLEAC process is not as comprehensive as CALEA. A summary copy of PLEAC's organized standards is included as Attachment #2. Generally, if an agency complies to CALEA, it is in compliance with the state standards.

To complicate matters in Pittsburgh, the police consent decree with the US Department of Justice and the City imposed certain standards that may be in conflict with PLEAC and/or CALEA.

My impression is that the intent to attain CALEA accreditation was genuine; however, with the consent decree intervening, the concentration was shifted to compliance with the consent decree, and follow-up with CALEA just diminished. The Bureau did affirmatively embark on pursuing PLEAC accreditation, but that effort waned as well, and I believe there is no active pursuit of accreditation at this time.

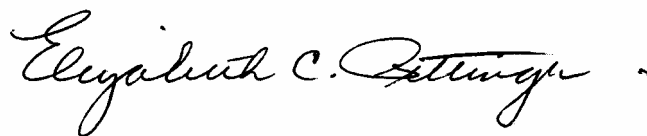
CALEA is an independent accreditation authority established in 1979 through the efforts of the International Association of Chiefs of Police (IACP); National Organization of Black Law Enforcement Executives (NOBLE); National Sheriffs' Association (NSA); and Police Executive Research Forum (PERF). There are 21 volunteer members on the Commission (11 law enforcement and 10 from the community-at-large).

PLEAC was established in 2000 by the PA Chiefs of Police Association and is comprised of twenty law enforcement professionals consisting of:

1. The four regional Chiefs of Police Associations will each have four representatives on the Commission. One member will be from each Chiefs Association from a department with no more than fifteen sworn full-time officers, and;
2. One representative of the Pennsylvania Police Accreditation Coalition (PPAC), and;
3. One member of the Pennsylvania State Police, selected by the Pennsylvania State Police Commissioner, and;
4. One Chief Executive Officer of an accredited law enforcement agency, and;
5. One Accreditation Manager of an accredited law enforcement agency.

The PA Police Accreditation Association (PPAC) is a non-profit, non-governmental coalition formed in 1990 to assist law enforcement agencies seeking CALEA accreditation. PPAC is comprised of law enforcement and other organizations interested in law enforcement accreditation. PPAC expanded its role to include PLEAC support in 2000. The Pittsburgh Bureau of Police belongs to PPAC.

I will continue to seek the status of accreditation efforts by the PBP and report back to the Board in May.

A handwritten signature in black ink, reading "Elyah C. Pittman". The signature is written in a cursive style with a large initial "E".