



## CITIZEN POLICE REVIEW BOARD

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Approved &  
Adopted  
10/24/06

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### **Minutes of the CPRB Meeting Held on September 26, 2006 Council Chambers, 510 City-County Building Pittsburgh, PA 15219**

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**Members Present:** Mr. John H. Bingler, Jr., Esq.  
Mr. Malik G. Bankston  
Ms. Erin Dalton  
Ms. Marsha Hinton, Chair  
Dr. Mary Jo Guercio

**Excused:** Mr. Richard M. Carrington, Vice Chair  
Ms. Deborah Walker

**Absent:** NA  
**Vacancies:** None

**Solicitor:** Mr. William Ward, Esq.

**Staff Present:** Elizabeth C. Pittinger, Executive Director  
Michael Ayoob, Investigative Associate  
Rhonda Sears, Executive Assistant

**Excused:** Michelle Gamble, Investigator  
Tamara Lefcowitz, Investigator

#### **Administrative Matters:**

- At 6:15 p.m. Ms. Hinton, Chair, called the meeting to order.
- A motion to adopt the meeting minutes for July 25, 2006 was offered by Ms. Dalton, seconded by Ms. Guercio, and approved unanimously.
- Ms. Hinton signed the contracts for Thieman and Ward to provide professional legal services to the Citizen Police Review Board during fiscal year 2007.
- Ms. Hinton acknowledged the death of Mayor O'Connor and extended condolences to his family. On behalf of the Board, she attended his viewing and Ms. Pittinger attended his funeral.

#### **Executive Director's Report:**

- Ms. Hinton and Ms. Pittinger anticipate meeting with Mayor Ravenstahl in October.
- Upon receipt of the transcripts of the September 18, 2006 Advisory Hearing on Conduct Toward the Public, the Board will prepare written recommendations to be shared with the Pittsburgh Bureau of Police and the public. The Board members expressed concern that the verbal judo described by Assistant Chief McDonald was not adequately training officers in the areas of language, common courtesy and professional demeanor, and their effectiveness.
- The Board questioned the validity of the psychological screenings administered by the Pittsburgh Bureau of Police to applicants. Pittinger will obtain information on this screening.
- The Conscience Group, a neighborhood oriented group, approached the CPRB seeking support of their neighborhood vigilance model. They would like for the city to adopt their crime-watch model throughout the city. They identify the lack of diversity among Pittsburgh police to be among

several obstacles to an effective crime-prevention partnership between citizens and police. Pittinger directed the representatives to the Res. 445 Report published by the Board for additional information. Ms. Pittinger reviewed several of their newsletters. Pittinger recommends delaying action until further information on the group's mission can be developed.

- Ms. Ora Lee Carroll invited the Board to host an open forum for the East Liberty community to Ms. Hinton, Ms. Dalton, and Ms. Guercio agreed to hold the forum to be scheduled in the near future.
- The Citizen Police Academy opened on Wednesday, 9/20/06, at a church in the West End (Zone 3). Twenty-one people registered for this class, the first of several to be conducted in neighborhood locations instead of the Police Training Academy. Investigator Lefcowitz is participating in this class. The CPRB segment will be presented on 11/1/06 by Pittinger
- On 9/20/06, the CPRB entered the Myspace community with a site created by Inv. Tamara Lefcowitz.
- The 2007 Meeting Calendar was presented to the Board for review and action.

A motion to adopt the 2007 Meeting Calendar was offered by Mr. Bingler, seconded by Mr. Bankston, and approved unanimously.

### **Case Processing**

- Mr. Ward reported that Allegheny County Solicitor's office informed him that Chief Full of the County's Emergency Operations Center will not comply to the CPRB subpoena for tapes and documentation related to two police pursuits without a Court order to do so. Mr. Thieman conversed with City Solicitor Specter regarding the matter and a tentative agreement was reached that OMI will secure such materials and provide them to the CPRB.

A motion to authorize staff and the CPRB Solicitors to resolve the matter finally with City Solicitor, George Specter within 10 days of notification and if unsuccessful, authorize the CPRB Solicitors to seek an order to enforce the subpoena through the Court of Common Pleas was offered by Mr. Bingler, seconded by Mr. Bankston, and approved unanimously.

- Public Hearing Scheduled:  
Gibbs & Joel v. Moss (CPRB #417-05)  
Wednesday, October 18, 2006, 6:00 p.m., City Council Chambers  
Panel: Mr. Marsha Hinton, Chair, Dr. Mary Jo Guercio, and Ms. Erin Dalton
- Advisory Hearing on Conduct Toward the Public – held Monday, September 18, 2006  
Five written statement were submitted to the CPRB office for the record.  
As of 9/26/06, no pending complaints were converted to citizen complaints.

### **Personnel Announcements**

- Ms. Pittinger introduced Mr. Michael Ayoob, Investigative Associate, to the Board. He transferred from the City Finance Department on September 5, 2006. Ms. Hinton welcomed him aboard.
- Ms. Pittinger announced Mrs. Phyllis Bianculli's retirement. She will resign as the CPRB Intake Coordinator on Friday, September 29, 2006. Ms. Hinton conveyed the Board's appreciation of Ms. Bianculli's work and offered best wishes for a happy and healthy retirement..

- 33 qualified applicants are being considered for the CPRB Investigator position. Interviews will be arranged over the next two weeks and interviews will begin by the 3<sup>rd</sup> week of October, 2006.

## **Case Review**

Ms. Hinton moved to the case review agenda. Copies were available to the public. Each case summary was reviewed and acted upon as noted (votes unanimous among attending members unless stated otherwise).

(Actions taken are published here and on the CPRB website, <http://www.city.pittsburgh.pa.us/cprb/>)

CPRB# / Investigator	ALLEGATION	SUMMARY	REASON
<b>Public Hearing (7)</b>			
22-03-ED 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.	Reactivated from suspension and ordered to a Public Hearing (Suspended 9/23/03 pending S.O. return from Military Duty & Cx.'s arbitration)
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 force against him after he had stopped his vehicle to look for an address.	Reactivated from suspension and ordered to a Public Hearing (Suspended 2/22/05 pending receipt of S.O. statement)
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.	Reactivated from suspension and ordered to a Public Hearing (Suspended 1/24/06 pending S.O. #2's return from disability.)
122-06 Lefcowitz	Truthfulness (PBP 16-1, 3.19) Conduct Toward The Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. was verbally abusive during a traffic stop, wrote an inappropriate comment on her citation, and lied in court.	Authorized a public hearing
16-06 Gamble	Use of Force (PBP 12-6) Conduct Toward The Public (PBP 16-1, 3.7)	Cx. alleges the S.O.s used excessive force on during her arrest.	Ordered to a public hearing (Rec: Dismiss as Unsustainable (Evidence does not support the allegation(s)))
34-06 Lefcowitz (Companion case to 35-06)	Use of Force (PBP 12-6) Conduct Toward The Public (PBP 16-1, 3.7)	Cx. alleges the S.O.s used excessive force against the Victim and used foul language towards her.	Ordered to a public hearing (Rec: Dismiss as Unsustainable Evidence does not support the allegation(s))

35-06 Lefcowitz (Companion case to 34-06)	Use of Force (PBP 12-6) Conduct Toward The Public (PBP 16-1, 3.7)	Cx. alleges the S.O.s used foul language and excessive force during his arrest.	Ordered a public hearing  (Rec: Dismiss as Unsustainable Evidence does not support the allegation(s))
103-06 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O. was rude when he confronted him about double parking.	Ordered a public hearing (Rec: Dismiss as Unfounded; Authorize letter to be sent to the Chief on sensitivity training. Evidence does not support the allegation(s))
<b>30-Day Extension of Full Investigation (2)</b>			
04-06 Gamble	Use of Force (PBP 12-6) Taser (PBP 12-13)	Cx. alleges that the S.O.s Tased him twice after he was in a submissive position on the ground.	Authorize 30-Day Extension  (Evidence continues to support the allegation(s))
128-06 Gamble (Request to consolidate #126-06 with 128-06 appears below/Other)	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward The Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. showed a lack of regard for public safety during a Critical Mass bike ride.	Authorize 30-Day Extension  (Evidence continues to support the allegation(s))
<b>FULL INVESTIGATION (4)</b>			
183-06 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16-1, 3.7) Warrantless Searches and Seizures (PBP 45-2)	Cx. alleges the S.O.'s tried to have him evicted from his residence and arrested for no reason	Authorized Full Investigation
206-06 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O. acted inappropriately when he was detained and searched for a mistaken identity.	Authorized Full Investigation
241-06 Gamble	Conduct Toward the Public (PBP 16-1, 3.7)	Cx. alleges the S.O. acted inappropriately when she pulled over for an emergency vehicle.	Authorized Full Investigation
242-06 Gamble	Use of Force (PBP12-6 ) Taser (PBP 12-13) Conduct toward the Public (PBP16-1, 3.7)	Cx. alleges the S.O.'s used unnecessary force against him while making a drug arrest.	Authorized Full Investigation
<b>DISMISSALS (16)</b>			
<b>UNSUSTAINABLE (6)</b>			
163-06 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 during an unjustified traffic stop.	Dismiss as Unsustainable Cx. scheduled to speak at 9/18/06 Public Hearing

181-06-ED Gamble	Confidential or Privileged Information (PBP 16-1, 3.40)	Cx. alleges the S.O. distributed confidential information concerning a juvenile's arrest.	Dismiss as Unsustainable; Authorize letter to Chief of PBP to address issue
200-06 Gamble	Conduct Unbecoming a Member (PBP 16-1, 3.6)	Cx. alleges the S.O. lied in court about the police report.	Dismiss as Unsustainable  (Evidence does not support the allegation(s))
<b>UNFOUNDED (5)</b>			
109-06 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 when they got into an traffic altercation while the S.O. was off-duty.	Dismiss as Unfounded  (Evidence does not support the allegation(s))
157-06 Lefcowitz	Obedience to orders &/or Laws (PBP 16-1, 3.1) Conduct Toward the Public (PBP 16.1, 3.7)	Cx. alleges S.O.1gave him a parking citation because of his race and national origin and was threatened by S.O. 2 when he protested.	Dismiss as Unfounded  (Evidence does not support the allegation(s))
201-06-S Lefcowitz	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16.1, 3.7)	<u>Incident A:</u> Cx.1 alleges S.O. 2 withdrew burglary charges on the person who robbed Cx.2's home <u>Incident B:</u> Cx. 1 alleges S.O. 1 prevented him from hosting a birthday party and threatened him with arrest. <u>Incident C:</u> Cx. 1 alleges he was arrested for filing a false police report.	Dismiss as Unfounded  (Evidence does not support the allegation(s))
218-06 Lefcowitz	Use of Force (PBP 12-6)	Cx. alleges that S.O.'s used excessive force while arresting her.	Dismiss as Unfounded  (Evidence does not support the allegation(s))
<b>WITHDRAWN (1)</b>			
254-06-ED Lefcowitz	Use of Force (PBP 12-6) Truthfulness (PBP 16-1, 3.19)	Witness alleges the S.O. used excessive force and tampered with evidence during the Victim's arrest.	Withdraw charges  (Victim and Guardian not interested in pursuing matter)
<b>OUT OF JURISDICTION (0)</b>			
<b>LACK OF COOPERATION (3)</b>			

47-06 Gamble	Use of Force (PBP 12-6) Taser (PBP 12-13) Obedience to Orders & Laws (PBP 16-1, 3.1) Conduct Toward The Public (PBP 16-1, 3.7) Truthfulness (PBP 16-1, 3.19)	Cx. alleges that he was Tased when he tried to flee from the S.O.'s	Dismiss due to the Cx.'s Lack of Cooperation
157-06 Lefcowitz	Obedience to orders &/or Laws (PBP 16-1, 3.1) Conduct Toward the Public (PBP 16.1, 3.7)	Cx. alleges the S.O. was rude and issued him a citation because of his race and height.	Dismiss due to the Cx.'s Lack of Cooperation
179-06 Lefcowitz	Use of Force (PBP 12-6) Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward the Public (PBP 16.1, 3.7)	Cx. alleges S.O.s used excessive force when arresting her adult son, used profane language, and tampered with evidence.	Dismiss due to the Cx.'s Lack of Cooperation
<b>OTHER (1)</b>			
126-06 Gamble (Companion case to 128-06)	Conduct Unbecoming a Member (PBP 16-1, 3.6) Conduct Toward The Public (PBP 16-1, 3.7)	Cx. alleges that the S.O. showed a lack of regard for public safety during a Critical Mass bike ride.	Consolidate with Companion Case #128-06
<b>SUSPENSIONS (0)</b>			

<b><i>Status/Information Update Only – No Action Requested (5)</i></b>			
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 re-evaluation 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 re-evaluation 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.)

23-06 Gamble	Truthfulness (PBP 16-1, 3.19)	Cx. alleges the S.O. perjured himself while testifying at the Cx.'s trial.	Suspension Occurred: 6/27/06 Pending Receipt Of Additional Information.
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.	Public Hearing Authorized on 6/27/06; Suspended Pending receipt of S.O. Statements

\* ECP = Executive Director reviewed fact-finding summary and authorized a Preliminary Inquiry or concurred with investigator's recommendations of dismissal. Before this meeting, the Board has not seen these cases and retains final action on these "new" cases.

### **New Business**

#### **Public Hearings Authorized**

- Members authorized public hearings for CPRB Cases: 16-06, 34-06, 35-06, & 103-06. Dates to be announced.

### **Next Meeting:**

Ms. Hinton announced that the next regular meeting is scheduled for 6:00 p.m., Tuesday, October 24, 2006 at Freedom Unlimited, Inc., 2210 Wylie Avenue, Pittsburgh, PA 15219.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Rhonda J. Sears